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SUBSTANCE OF A SPEECH

DELIVERED BEFORE

THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL,

ON MONDAY THE 17TH AND TUESDAY THE 18TH OF DECEMBER, 1849.

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THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL,

ON MONDAY THE 17TH AND TUESDAY THE 18TH OF DECEMBER, A. D. 1849,

Upon an Appeal in a Cause of Duplex Querela,

BETWEEN

THE REV. GEORGE CORNELIUS GORHAM, CLERK, APPELLANT,

AND

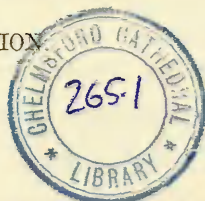
THE RIGHT REV. HENRY, LORD BISHOP OF EXETER, RESPONDENT.

WITH AN INTRODUCTION

BY

EDWARD BADELEY, Esq., M.A., F.S.A.,

BARRISTER AT LAW.



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P R E F A C E.

IN consequence of the numerous and urgent applications which have been made to me for a complete report of my argument, on the late important appeal before the Judicial Committee of the Privy Council, I have prepared one as well as I could, by correcting the notes of the short-hand writers. I trust that the publication may be useful, and, notwithstanding the judgment which has now been given in favour of the Appellant, that it may yet be a witness of what I believe to be the truth, and vindicate to the world the cause of the Respondent. To those who have watched that cause with interest, and with an earnest desire to "keep whole and undefiled the Catholic Faith," it may be satisfactory to know the grounds, upon which the doctrine of the Church of England upon one of her Sacraments was asserted and defended, and thus to be assured, that some effort at least was made to put the case fully before the Judges, and to convince them of its merits. No person indeed can be more sensible than myself of the imperfections of my own advocacy, but I have the comfort of feeling that I did my best, and this under circumstances of some disadvantage, as I had had nothing to do with the cause in its earlier stages, and was allowed but little time for

preparation. I have also the further comfort of remembering, that what was wanting in myself was supplied more ably by my learned colleague, Dr. Addams, and consequently that nothing material was omitted on behalf of the Right Reverend Respondent.

Upon the judgment which has been pronounced, I should forbear, if the case were of an ordinary description, to offer any observations; and I would fain comment upon any case with the utmost respect towards the learned Judges who decided it;—but as this judgment affects me, not merely as an advocate, but far more as a member of the Church of England, I consider myself justified in protesting against it. Much that I should have wished to say of it has been said far better, within the last few days, by one, whose powers of dealing with any subject few men can equal, and none surpass; and in the little which I may attempt to add, I can but follow him at a very humble distance. The Bishop of Exeter, in his recent Letter to the Archbishop of Canterbury, has rendered superfluous almost every effort, to lead the public to a proper estimate of the judgment of the Judicial Committee of the Privy Council, and to supply the want of what the Law unfortunately denies, a resort to a higher tribunal. Some few remarks, however, I may make, without interfering with his Lordship's work, in order to ascertain how far the argument addressed to the Court, and contained in the following pages, is really destroyed or weakened.

Now I cannot help thinking, that this judgment will prove as unsatisfactory to any legal, as it must be to every theological, mind:—for I find in it no balancing of the arguments on either side, no question canvassed, no proposition met, no authority impugned. No notice is taken of the evidence adduced, although, in the opinion of many persons well qualified to decide, that evidence was amply sufficient to remove any doubt, if doubt there could be, respecting the meaning which our Formularies were intended to express. In short, for anything that appears in this judgment, it might have been written just as well before the case was argued, or by some person who was unconscious of anything that had been urged. But more than this—the judgment of the Court of Arches is altogether passed by; the principles on which it was founded are not considered; it is not even mentioned, except in the formal statement of it at the commencement, and the reversal at the end. Yet why, it may be fairly asked, was this unusual course adopted? Why have the learned Judges collectively departed from that rule, which each of them is in the habit of following in his own separate court? When a case is argued before any of them, of any importance, and at any length, the judgment usually contains an elaborate examination of the whole question, a review of the points which have been dwelt upon by the respective parties; what is weak is carefully exposed, what is strong is upheld, and the principles of law, on which the decision is ultimately rested, are fairly and

directly applied. Again, when the judgment of an inferior court is reversed upon appeal, its errors are generally specified, its defects explained, and the law is rendered clearer and more certain for the future. But will any one pretend to say that this has been done here? Alas! not only has this judgment followed a different model, from those which have been most approved in the records of our jurisprudence, but the very rules of law, on which it professes to proceed, are most signally disregarded. It says, most correctly, that "The question must be decided by the Articles and Liturgy; and (it is added) we must apply to the construction of those books the same rules which have long been established, and are, by law, applicable to the construction of all written documents. We must endeavour to ascertain for ourselves the true meaning of the language employed," (that is, I presume, not only in "the Articles," but in "the Liturgy" also;) "assisted only by the consideration of such external or historical facts, as we may find necessary to enable us to understand the subject matter to which the instruments relate, and the meaning of the words employed." Again, the Judges say; "In our endeavours to ascertain the true meaning of the Articles, Formularies, and Rubrics, we must by no means intentionally swerve from the old established rules of construction, or depart from the principles which have received the sanction and approbation of the most learned persons in times past, as being, on the whole, the best calculated to determine the true meaning of

the documents to be examined. If these principles are not adhered to, all the rights, both spiritual and temporal, of Her Majesty's subjects would be endangered." Now let us see shortly, how these principles have been carried out. It would seem, from the passages just cited, that the intention of the Judges was to put the Articles, the Rubrics, and the Formularies of our Church upon an equal footing, or at least, if the Articles are ambiguous, or not sufficiently explicit, to take the language of the Formularies to explain them, and thus to elicit the meaning of the Church. Indeed they distinctly say afterwards, "If there be any doctrine, on which the Articles are silent or ambiguously expressed, so as to be capable of two meanings, we must suppose that it was intended to leave that doctrine to private judgment, *unless the Rubrics and Formularies clearly and distinctly decide it. If they do, we must conclude that the doctrine so decided is the doctrine of the Church.*" Now it is most extraordinary, that in the very outset of their examination, such as it is, of the Articles, they at once lose sight of the legal principles which they have just enunciated : for they say ; "considering first the effect of the Articles alone, it is material to observe, that very different opinions as to the Sacrament of Baptism were held by different promoters of the Reformation, and that great alterations were made in the Articles themselves upon that subject." So that instead of first looking at the Articles themselves, and ascertaining their sense by the ordinary rules of criticism, the

“different opinions which were held by the different promoters of the Reformation,” though it is not stated what those opinions were, or by what persons they were held, or whether those who held them were English or Foreign Reformers, are taken as a ground, *in limine*, for giving the Articles a doubtful meaning, and for supposing that they were designed to leave the doctrine of Baptism an open question. Certainly this is a mode of proceeding which it would be very difficult to reconcile, either with the principles before laid down, or with any rules of law which are recognized by our Courts. But what follows? Extracts are made from “the Articles about Religion, drawn up in 1536,” and from the “Necessary Doctrine for any Christian Man,” published in 1543, in which the doctrine of Baptism, and particularly of Infant Baptism, was more fully expressed than it was in the Articles of 1552 and 1562; and hence it seems to be inferred, that the whole doctrine was left undecided, or at least that there were many points, (including, of course, those afterwards referred to as involved in the case before the Court,) on which different opinions were allowed. But are the Articles themselves explained? Is there any attempt to construe the 25th, upon the Sacraments, or the 27th, upon Baptism? By no means. All that is done is, to contrast some portions of them, and those not all the most important, with the Articles of 1536, and on account of their difference to infer their ambiguity. But we are told, that “the Articles of 1552 and 1562 have special regard to the qualifi-

cation of worthy and right reception ;” that those of 1562, “not distinguishing the case of Infants from that of Adults, state in general terms that those who receive Baptism rightly have the benefits there mentioned conferred ;” and that “what is signified by right reception is not determined by the Articles.” It is difficult, however, to understand how there can be any doubt respecting the “right reception” of Baptism by infants, when the Articles teach us, first, what is the nature of the Sacraments—that “they are effectual signs of grace by which God doth work invisibly in us ;” next, that “Baptism when rightly received is a sign of regeneration or new birth, whereby, as by an instrument, certain benefits are conveyed ;” and lastly, that “the Baptism of young children is most agreeable with the institution of Christ.” One would certainly have been glad to be informed, how infants can possibly be unworthy receivers, if this last proposition is true ; and if it is, how they can fail to obtain those blessings, according to their condition, which are declared to be given to those who receive baptism rightly ; and if the Articles of 1562, by fair, or rather, by necessary intendment, do actually declare this truth, what can it possibly signify, whether they differ in any respect from those of 1536, or whether those of 1536 express the same truths more at large ? It cannot possibly be contended that either set of Articles contradicts the other ; and when it is remembered that the two were promulgated with very different objects, and for different classes of persons,

the different characters of the two are sufficiently accounted for. Whether, therefore, “the *distinct meaning and effect* of the grace of regeneration” is or is not “particularly declared” by the Articles of 1562, can have little to do with the question in the cause; it is enough if those Articles show, as I assert they do, that Baptism actually conveys that grace. As little can it signify, whether they expressly say, “that baptized infants dying before the commission of actual sin are undoubtedly saved thereby,” and that “unbaptized infants are not saved;” the latter of these propositions being unnecessary to be determined, and the former being but an obvious inference from the doctrine which *is* stated; for if infants by Baptism receive regeneration, remission of original sin, adoption, and sanctification, which, according to the Articles, they must do if they are worthy recipients, and worthy recipients they must be, if their Baptism is “most agreeable with the institution of Christ,” who can doubt that they are saved thereby? Still less can it be material, whether the Articles formally assert this or not, when the Rubric on this subject plainly does, in spite of the quibble, by which a vain attempt is made to elude it.

Now this is really the whole substance of what the Judgment contains upon the Articles:—no attempt is made to ascertain their meaning by any critical examination of them;—not a word is said to show that the construction contended for in the argument was incorrect;—scarcely any of the points

which they are stated to have “left undecided” are specified;—and not one of those which they *have* decided is pointed out;—it seems as though they had not decided anything, and because they happen to say less than the Articles of 1536, what they *do say* amounts to nothing. But would the Judges have dealt thus with any other document produced before them in their separate Courts? Would they have said, that because a deed of 1840, made for a particular purpose, is much shorter and more concise than another of 1810, made for a different purpose, though relating to the same subject matter, the deed of 1840 is to be controlled by the deed of 1810, the latter being no longer in force? Would they have suffered a doubt to be thrown upon the contents of the deed which was binding, by the contents of that which was not binding? Would they not rather have examined the deed of 1840 very carefully, to see whether it did or did not contain the matter in issue which it was brought to prove, and only reject it when it was found to be utterly vague and uncertain? Surely we are entitled to ask, why a practice so different is adopted here; and, as the Judges profess to apply to the Articles and Formularies “the same rules, which are by law applicable to the construction of all written instruments,” how this mode of dealing with the Articles is consistent with their profession?

But it might have been expected, that if the Articles were deemed uncertain, resort would be had to the Formularies to explain them. But what is the

treatment which these receive? First, they are spoken of as “devotional exercises and services,” and it is assumed, that therefore they can be no evidence of the faith or dogmatic teaching of the Church. But why not? The common sense of mankind, and the general understanding of the Church, have always supposed that they could. I endeavoured to expose this fallacy in the early part of my argument, and adduced reasons and authorities which were thought sufficient for the purpose. But they are not noticed, and, instead of them, we are met with the very illogical argument, that because the Service for the Burial of the Dead contains “absolute expressions implying positive assertions,” which “cannot be literally true in all cases, but must be construed in a qualified or charitable sense,” therefore all the services, including those of Baptism, must, or at least may, be construed in the same manner. Now without stopping to point out the inaccuracy of the comment which is made upon the Burial Service, (that having been sufficiently shown by the Bishop of Exeter in his Letter to the Archbishop of Canterbury, and being obvious to almost any person who examines the Service fairly,) I am content to take the proposition which I find at the end of the paragraph, as an answer to the inference attempted to be drawn. For the Judges say, “the meaning” (that is, of the several services in the Prayer Book) “must be ascertained *by a careful consideration of the nature of the subject, and of the true doctrine applicable to it.*” But if they had stopped to

“consider” the difference between “the nature of the subject” in the Burial Service, and that in the Baptismal, and “the true doctrine applicable” to each, they could not have committed so gross an absurdity, as to interpret the latter in the same manner that they do the former. In the case of a person deceased, the Church is never supposed to pronounce, and never does pronounce, with certainty, respecting his final state. “The true doctrine” has always been that of charitable hope, and no more. In the case of infants baptized, the language has always been that of certainty, and “the true doctrine” has always been, that they *are* by Baptism regenerated, that they *actually do receive thereby* remission of original sin, adoption, and sanctification. This was proved to the Court, by various passages from the Fathers, by early Councils, and by ancient Liturgies, and these proofs might have been multiplied to an indefinite extent, if any doubt had been supposed remaining. This doctrine was traced from the Primitive Church, and shown to have been uniformly asserted by the whole Catholic Church. But all this evidence the Judges ignore. They pass it by without a single observation. They do not attempt to use it, according to their own principle, “to ascertain the meaning” of the Baptismal services. Yet “the true doctrine” must surely be that which the whole Catholic Church has uniformly professed; or if they were not satisfied with this, they might at least have listened to the Ecclesiastical Law of this realm, to the Canon of 1603, to which I particularly

called their attention, which says expressly that “the *doctrine* of Baptism is so sufficiently set down in the Book of Common Prayer, to be used at the administration of the said Sacrament, as nothing can be added to it that is material or necessary.” Why then is all this disregarded? Why is not some effort made to see, whether “the true doctrine” is really contained in the Articles, or, if it is not, whether it is not fully expressed in the Prayer Book, particularly when the Canon says that it is? And if that doctrine has always been positively and absolutely asserted by the Church, as it unquestionably has, why are not the Services and Formularies of the Church of England, which assert it in the same manner, to be interpreted in the same sense? It is really curious to observe, how immediately the Judges lose sight of the very principles which they have just propounded. They tell us first, that “the question must be decided by the Articles and Liturgy,” but they do not really allow it to be decided by either. Next, they say; “we must apply to the construction of those books the same rules which have long been established and are, by law, applicable to all written documents;” but one of these rules is, “that the meaning of every written document must be ascertained, if possible, from the document itself;” and another, “that if the words of a written document are positive and unambiguous, no interpretation of them shall be allowed, which shall contravene their plain and obvious meaning.” Instead, however, of eliciting from the Articles what they may

fairly be understood to mean, they suggest doubts *aliunde*; they assume that the Articles are doubtful upon the points in issue, partly because "different opinions as to the Sacrament of Baptism were held by different promoters of the Reformation;" (as if that had anything to do with the matter, if their sense can be collected by any reasonable construction;) and partly because they "adopt very different language from the Articles of 1536," and are not so explanatory; (as if what they do say was thereby rendered nugatory or uncertain;) while in construing the Formularies, they will not allow them to mean what they say; they will not hear of anything but an hypothetical and conditional sense for what is expressed absolutely and unconditionally, as far as words can do this: they take no heed of "the true doctrine applicable to the subject," which the Services were intended to embody, and which they admit to be material to ascertain their meaning: they do not suffer the Articles and the Prayer Book either to speak for themselves, or to help one another; but having settled in their own minds, from extraneous considerations, that the Articles must be doubtful, and proceeding upon a mere assumption that they are, they say that the Services must be doubtful too, because "devotional exercises" cannot be dogmatical:—because the Burial Service must be understood hypothetically, (which its very words allow,) and lastly, as it seems, because "earnest prayers are directed to be offered for the Divine blessing and the grace of God." And this is

the way in which the established rules of Law for the construction of all written documents are applied ! Again, it is remarkable, that in dealing with the Articles and the Prayer Book, the Judges not only close their ears against the voice of antiquity, but they treat the Church of England as if it were merely the creature of the Reformation, as if it had no dogmatic teaching, or rather, no existence before. But is this fair ? Is it true ? On the contrary, we know that the English Church had existed for ages ; that it had a compact and well-defined body of doctrine ; that those who took part in the changes of that day did not intend to change every thing, to start, as it were, *de novo*, but to alter where they thought alteration necessary, and to leave the rest. What was not changed, therefore, remains untouched ; and it would have been well if the Judgment had been framed, upon the principle of ascertaining what the doctrine was which had been held in the Church of England, before, and at the period of the Reformation, and whether any change was really made in it ; instead of instituting a superficial and unmeaning contrast between the Articles of 1536 and those of 1562.

Again, it might have been expected that some notice would have been taken of the Savoy Conference, and of the circumstances under which the last revision of the Prayer Book took place, and of the Act of Uniformity. But no ; these remarkable illustrations of the meaning of the Prayer Book, and of the sense in which it was to be received, would

have interfered too much with that forced and unnatural interpretation, to which the ordinary rules of legal construction had been sacrificed.

Again, some pains were taken to bring to the notice of the Court the Article of the Nicene Creed, which Mr. Gorham's doctrine directly impugns. But this is entirely passed by. We are told, indeed, in one place, that "one Baptism for the remission of sins *is acknowledged by the Church*"!—(which might be said of Prayers for the Dead, and many other things)—not that it is part of the Creed—one of her fundamental Articles of Faith—and for what purpose, after all, is this reference made to it? Not in order to determine whether Mr. Gorham's doctrine can be reconciled with it, but to support a proposition which no person ever disputed, that Baptism cannot be repeated! and to help the Judges out of the difficulty in which they evidently felt themselves placed, by what the Rubrics say respecting the sufficiency of Private Baptism, though administered without those "earnest prayers for grace," on which they had previously laid so much stress, and without those promises of the sponsors, which they seem to consider essential, though the Church expressly treats them as matter of order and of expediency only. But does it extricate them? Clearly not; for if the Baptism so administered is sufficient, and operates for the regeneration of the Infant, for remission of sin, for adoption, and sanctification, which the Service and the Rubrics distinctly show that it does,

it follows that prayers and sponsions are *not necessary, not essential*, in any case, although highly proper and desirable when they can be had.

Then we are told of the Catechism, that "the whole requires a charitable construction," and in proof of this we are referred to the single expression, "God the Holy Ghost, who sanctifieth me and all the elect people of God." But surely this is quite a new view of the Catechism, and one inconsistent alike with its character and with its object; and the sentence quoted is rather unfortunate in the way of proof of this strange assertion, as might have been perceived by attention to the doctrine of the Church; for the Church teaches, that by Baptism a person becomes a Child of God, one of "the elect people of God," that he is then sanctified, and that this sanctification remains, unless he forfeit it by wilful sin, and may be renewed upon his true repentance. This passage of the Catechism, therefore, has nothing to do with a "charitable construction;" it simply states a positive truth, applicable alike to the Child who makes the answer, and to all other baptized persons.

Such is the mode in which the Prayer Book is disposed of; it is looked at through a false medium; it is interpreted upon other principles than those, on which all written documents are interpreted, and which the Judges themselves had laid down; its plain and positive statements are set aside; the canons and statutes applicable to it are disregarded; it is made to teach doctrine, if it can be supposed to

teach any, utterly inconsistent with that of the Primitive and the Catholic Church. No wonder, therefore, that Mr. Gorham's heresy is pronounced to be compatible with it, for it is difficult to see what heresy or false doctrine may not, by the same rule, be admitted under it. I pass by the partial and imperfect summary of Mr. Gorham's doctrines which is given in the Judgment, because the Bishop of Exeter has already exposed it, and the passages cited from Mr. Gorham's book, in the course of the argument, will prove that it falls far short of the truth. So also, it is almost unnecessary to notice the citations, or rather pretended citations, (for some of them do not deserve the name,) from English Divines, the utter worthlessness of most of them having been fully exhibited by the Bishop of Exeter. There is one from Bishop Jewell, however, which he has not considered, and therefore I refer to it. The passage cited is, "And this marvellous incorporation is first begun and wrought by Faith; afterward the same incorporation is assured to us, and increased by Baptism." But on looking at the context, it is evident that Bishop Jewell did not mean to separate the sign from the thing signified, or to represent our incorporation as members of Christ to be independent of our Baptism. For, in the sentence immediately before this, he says, "We confess that Christ, *by the Sacrament of Regeneration* (as Chrysostom saith) *hath made us flesh of his flesh, and bone of his bones, that we are the Members and He is*

the Head. We confess also that all the Faithful are one Body, all indued with one Spirit; and be that distance never so great, yet are we one another's members." Then he uses the expression cited, but with two quotations from St. Augustine, of which he proposes to express the meaning; and it stands thus: "And this marvellous conjunction and incorporation is first begun and wrought by faith, as saith Paulinus unto St. Augustine, 'per fidem nostram incorporamur in Christo Jesu Domino nostro;' 'by our faith we are incorporate or made one body with Jesus Christ our Lord.' Afterward the same incorporation is assured unto us and increased in our Baptism: *So saith St. Augustine; 'Ad hæc Baptisma valet, ut baptizati Christo incorporentur et membra ejus efficiantur.'* 'To this availeth Baptism, that men being baptized may be incorporate into Christ and made his members.'" Unless, therefore, Bishop Jewell is made to contradict himself, as well as St. Augustine in the sentence last quoted, Baptism is the instrument by which the blessing is conveyed, and faith is not sufficient without it. The passage, moreover, must be understood with reference to Adults, rather than Infants, for it is plain that Infants have not that Faith by which they can be said in any sense to be incorporated into Christ before Baptism. Indeed, Bishop Jewell himself says elsewhere, in treating of the Sacrament of Baptism, "Baptism, therefore, is our regeneration or new birth, *whereby we are born anew in Christ, and are*

made the sons of God, and heirs of the Kingdom of Heaven; it is the Sacrament of the remission of sins, and of that washing which we have in the blood of Christ;" and with respect to Infants, he adds, "For this cause are Infants baptized, *because they are born in sin, and cannot become spiritual, but by this new birth of the water and the Spirit.*" Bishop Jewell appears to be as little of an authority, for the purpose for which he is cited in the Judgment, as any of the others, and to be as far removed from Mr. Gorham's heresy, which he is of course intended to help, as he is from that of the Anabaptists.

But I forbear to dwell longer on this painful document; and, in conclusion, will only declare my conviction, as one of the counsel in the cause, that the Judgment thus pronounced is at once most unjust towards that distinguished Prelate for whom I had the honour to appear, and utterly untenable upon those general principles of law, which are applicable to this as to all other cases. Had these, indeed, been its only evils, I should not have deemed it right to complain; but as I feel, as a member of the Church of England, that it has inflicted a most fearful, perhaps a fatal, wound upon that Church, I think it the duty of every Churchman to renounce it with abhorrence. When I speak of the wound as perhaps fatal, I speak advisedly; for this Judgment commits the Church of England to heresy—it pronounces fit for institution to a benefice with cure of souls, a Clergyman who contradicts the uniform teaching of the

Church, upon one of those Sacraments which are declared to be "generally necessary to Salvation," and annuls an Article of the Creed. In doing this, it ignores the existence of dogmatic truth, it abrogates all Catholic doctrine, and permits, upon the same principle, heresies of every kind to exist in our communion. If, under such circumstances, the Church of England is content to sit still, if she does not by a vehement and determined effort arouse herself immediately, if her Bishops are silent, her Clergy supine, her Laity heedless, she must be speedily and completely dead ; she will cease to be a portion of the Catholic Church. It is idle to say, that this Judgment is a thing extraneous to the Church ; that the Judicial Committee of the Privy Council is a creature of the State, a secular Body, which has been forced upon the Church without her consent ; that our Articles and our Formularies are still what they were, and mean what they always did mean, which must be what they expressly state. The answer to all this is obvious. Here is a Court, which by the law of the land, whether rightly or wrongly enacted, is actually constituted the Supreme Court of the Church, by whose decisions all inferior Ecclesiastical Courts must be governed. Against the erection of this Court the Church of England did not remonstrate ; in its decisions the Church has hitherto acquiesced ; and though many persons have complained of its unfitness, no real effort has ever been made to abolish it. Every Bishop has long known, that every sentence

which he has pronounced in his own Diocesan Court was subject to revision, and might be reversed, in this; but yet he has suffered its jurisdiction to continue, and therefore to gain strength, without resistance, and without leading his people to believe, that he even regarded it as a grievance; neither the Clergy generally, nor the Convocation, as far as I am aware, have ever petitioned against it, (for the Convocation, though it may not enact Canons, may at least petition the Crown). Its sentences, in matters both of doctrine and of discipline, have been adopted and enforced. It is impossible, therefore, to contend, that the Church of England has not allowed and assented to this tribunal. She has done so, as far as all the common evidence of reception and assent can prove it. And what is now the fact? The decision of this Court, the recognised Supreme Court of the Church, has, in the late Appeal, declared, that Mr. Gorham, and the holders of such heretical doctrines as his, are worthy of institution to Benefices with cure of souls; that such doctrines are allowable in the English Church; that the Articles and Formularies of that Church are to be understood in a sense compatible with them; that any Bishop, or any Ecclesiastical Court, which interprets the Articles and Formularies otherwise, interprets them wrongly; and if any Bishop, or any Court, should hereafter put the same interpretation upon them, which the Bishop of Exeter and the Court of Arches have put lately, the sentence will be reversed, and the heretical Clerk

admitted. This is now Law, binding upon every Ecclesiastical Court of this realm—for what the highest Court of Appeal declares to be the law, *is* the law—what the Articles and Formularies are declared to mean, by the tribunal which has power in the last resort of declaring their meaning, *must be their meaning*, for all practical purposes, until a new law is made to declare it otherwise; just as what the Court of Queen's Bench, or the House of Lords, where the jurisdiction of either is final, declares to be the meaning of a particular Statute, *is the meaning* of that Statute, which all inferior Courts must adopt, until another Act of Parliament is passed. There is no escape from this conclusion; and the effect of the decision in Mr. Gorham's case is, that every Bishop is now liable to have forced upon his diocese, as many Clergymen, holding the same opinions, as may happen to be presented to benefices, whatever his conscientious scruples may be, and however firmly he may believe, that such opinions are "erroneous and strange doctrine, contrary to God's word." For if he refuses, what is the consequence? The rejected Clerk will appeal, if necessary, as Mr. Gorham did, to the Judicial Committee of the Privy Council, and they will of course abide by their previous Judgment, and compel his institution. This Judgment, then, is a living, acting force, controlling every Bishop in the exercise of his spiritual functions, and altering, it may be, the whole course of teaching in every Diocese of England. And can this be a

thing of no moment? Can the Church wait and do nothing, with the poison of heresy actually in its veins, till "the whole head is sick, and the whole heart faint?" Surely not: *if it be* a Church, it must show its power; *if it be* "the Pillar and ground of the Truth," it must assert the true doctrine and denounce the false; and if it fails to do this *promptly, resolutely, and effectually*, who will deem it a Church at all?—who will value its words, when its acts, or rather its want of action, denies them? The time is now arrived, when the Church of England must raise its voice, or be silenced for ever. If its highest Court has betrayed its trust—if its recognised mouthpiece has made it say what it never meant, what it knows to be untrue, it must tell us so plainly and positively, or else we must suppose, that it adopts the act and the sentence of its Court. "Qui tacet, consentire videtur," says the law, and common sense accepts the maxim. On our Bishops, in the first place, devolves this solemn duty: their part it is, to watch with jealous eyes the safety of the Church—to preserve its unity. Let them declare at once what they believe to be the doctrine of the Church—what they think of this Judgment. Let them convene their Clergy in their respective dioceses, and ascertain what these "Stewards of the Mysteries of God" feel on this momentous subject—how they understand the Articles which they have subscribed, the Prayer Book to which they have declared their "unfeigned assent and consent," the Creeds which they

are sworn to defend. If the Bishops fail us in this hour of peril, let the Clergy themselves come forward ; let each Archdeaconry be summoned, and thus let every diocese prove, what many scarce even now believe, that the Church is yet a living body, that its Ministers are yet sound, and mindful of their awful obligations. Let the Laity support their Clergy, and perform their part for the maintenance of the Faith ; and as they pray, from week to week, to be delivered “from all false doctrine, heresy, and schism,” let them show that they mean what they say, that they wish what they pray for, by repudiating and seeking some remedy for a Judgment, which threatens them with all these evils ; which sanctions a discreditable, an *un-English* mode of dealing with plain documents, with subscriptions, and with oaths ; which, in short, legalizes a conventional dishonesty, while it shakes the very foundations of the Church. The warning of an Apostle is given to all of us alike—“ἐπαγωνίζεσθαι τῇ ἀπαξ παραδοθείσῃ τοῖς ἀγίοις πίστει :” if we neglect it, we forfeit the charter of our salvation.

E. B.

Temple, April 3, 1850.

GORHAM, CLERK, *against the* BISHOP OF EXETER.

SUBSTANCE

OF THE

SPEECH OF MR. BADELEY

ON THE PART OF

THE RESPONDENT.

In the Privy Council.

WHITEHALL,
17th December, 1849.

The Reverend GEORGE CORNELIUS GORHAM,
Clerk, Vicar of the Vicarage and Parish
Church of Saint Just-in-Penwyth, in the
County of Cornwall, Diocese of Exeter,
and Province of Canterbury } *Appellant.*

Against

The Right Reverend Father in God, HENRY, }
by Divine Permission LORD BISHOP OF } *Respondent.*
EXETER }

IN A CAUSE OF DUPLEX QUERELA.

PRESENT:

The ARCHBISHOP OF CANTERBURY.

The ARCHBISHOP OF YORK.

The BISHOP OF LONDON.

The Right Honourable LORD LANGDALE.

The Right Honourable LORD CAMPBELL.

The Right Honourable BARON PARKE.

The Right Honourable VICE-CHANCELLOR KNIGHT BRUCE.

The Right Honourable SIR S. LUSHINGTON.

The Right Honourable PEMBERTON LEIGH.

SPEECH OF MR. BADELEY.

MR. BADELEY.—My Lords, I have the honour to appear in this case in support of the Judgment which has been pronounced by the Court of Arches; and although my learned friend Dr. Addams has already placed before your Lordships reasons which I think are abundantly sufficient to call for the affirmance of that Judgment, yet the extreme importance of the case, and the very great anxiety which is universally felt throughout the Church of England for its right decision, compel me to offer some additional observations.

My Lords, when I mention the importance of this case, I may add that its importance cannot possibly be overrated, inasmuch as it involves the teaching of the Church of England on one of the fundamental principles of the Christian faith, and that adherence of the Church to primitive doctrine and to Catholic truth, which must be, beyond aught else, the “*Articulus stantis vel cadentis Ecclesiæ*.”

My Lords, the question before your Lordships is, whether the Judgment pronounced by the Court of Arches is right or wrong; and in order to prove that it is wrong, my learned friends on the other side are bound to substantiate one of two things,—either that the principles upon which that Judgment is founded are erroneous, or that, although correct, they have been wrongly applied to Mr. Gorham’s case. But this I think they have failed to do. I believe that in both respects the Judgment is right—that it is right in the principles upon

which it is founded, and right in the application of those principles to Mr. Gorham's case. I propose therefore, my Lords, in order to put the matter as clearly as I can, first to consider the principles upon which this Judgment rests, and then to see how those principles apply to the doctrines maintained by Mr. Gorham. And in examining this Judgment, my Lords, I must say, that the first thing which must strike everybody is this—that if there ever was a Judgment of an able, a learned, and a careful Judge, fully considered and diligently prepared, this is that Judgment; and in proportion to the learning, the ability, the care, and experience of that learned Judge, will, I am sure, be your Lordships' caution in allowing it easily to be set aside.

My Lords, the main principles of the Judgment, as I collect them, are these:—*first*, that if the Church of England has declared herself on the question in dispute, that of “the Baptismal Regeneration of Infants,” that declaration must bind the parties; and that no private interpretation of the Scriptures, nor any judgment of the Court on the meaning of the Scriptures, or on the doctrine in the abstract, is allowable. The *second* principle is, that such declaration of the Church of England is to be sought for in the Articles and Formularies of that Church, and that if either of these are plain and explicit, the decision must be according to what is there laid down, and that the private opinions of their framers, or of any of the Reformers, or other persons, cannot be received to explain away or contradict them, or to give them an artificial meaning. The *third* principle which I collect is this, that the Articles and Formularies of the Church of England do plainly and explicitly state, and fully and sufficiently enunciate the doctrine of the Baptismal Regeneration of Infants, and that upon the due administration of this Sacrament,

every infant is at once and absolutely regenerated. The conclusion which the learned Judge has then formed is, that the doctrine of Mr. Gorham is inconsistent with this doctrine of the Church of England, thus expressed and declared; and if so, the corollary which he has hence deduced follows of course, that the Bishop of Exeter is justified in refusing to institute Mr. Gorham to the Vicarage of Brampford Speke. By examining, therefore, the Judgment in this manner, and taking these principles in their order, I apprehend that I shall best explain, and most properly treat the whole question. And as to the first of these principles, "that if the Church of England has declared herself on the question in dispute, that declaration must bind the parties; and that no private interpretation of the Scriptures, nor any judgment of the Court on the meaning of the Scriptures, or on the doctrine in the abstract, is allowable:"—upon this point, my Lords, there is, I conceive, really no difference; it seems to be perfectly clear, and must be admitted on all sides, that whatever is the declaration of the Church of England upon any point of doctrine or discipline, that is the law by which we are all bound: we are bound by it as members of the Church of England, and this Court especially is bound by it as being the Law of the Church, because your Lordships well know that you are sitting here, not as an Ecclesiastical Synod, to deduce from Scripture what you believe is, or ought to be, the doctrine of the Church generally, but as an Ecclesiastical Court, to decide what is the doctrine of the Church of England, according to the Ecclesiastical Law of this realm. We have no right and no power to put any interpretation of our own upon any doctrine which the Church has declared: the Clergy generally, as well as the lay members of the Church of England, are estopped from denying that anything is the doctrine of Scripture, if the Church of

England has so declared it. That being so, and there being, as I understand, no dispute upon that point, I pass on at once to the second principle, namely, that such declaration of the Church of England is to be sought for in the Articles and Formularies of that Church; and if either are plain and explicit, the decision must be according to what is there laid down; and no private opinions of the Reformers, or of the persons who were concerned in framing those Articles and Formularies, or of any other persons, can be allowed to alter or explain them away, or to give them an artificial meaning.

Now, my Lords, this brings me to the consideration of a point which has been raised and strongly insisted upon on the other side—the comparative value, as declarations of doctrine, of the Articles and Formularies of the Church. We say that the Articles and Formularies are of equal force and of equal validity, and that they are equally to be resorted to in order to ascertain what the doctrine of the Church of England is, and therefore to ascertain the law by which this Court is bound. My learned friends on the other side rest themselves entirely upon the Articles—so entirely, as almost to supersede the use of the Book of Common Prayer; and, as I understand my learned friend Mr. Turner, they do not allow that the Prayer Book is to be regarded as a declaration of doctrine, so as to be called in to explain the Articles if they are doubtful, or to prove anything to be the doctrine of the Church of England if the Articles themselves are silent. Their argument is, that the Thirty-nine Articles are the only standard of the Church's faith, and that upon them alone the question must be rested. I contend, my Lords, that this is an entirely erroneous view. As far as the Prayer Book is concerned, I maintain that it stands on precisely the same footing as the Articles of the Church; that they are both to be looked at concurrently;

that neither can supersede the other ; that if either be not sufficiently clear, or need any explanation, the explanation must be sought from the other. I allow that the Articles, as the learned Judge stated in his Judgment, are to be looked at in the first instance ; that I am willing to admit : but if the Articles are not precise or explicit, or require any further explanation at all, the Prayer Book is the source from which that explanation must be drawn.

And, my Lords, when I say that they are both of equal authority, I think there can be no doubt of this, if we simply advert to their history—both emanate from Convocation, both are confirmed by Statute ; and although my learned friend Mr. Turner asserted that the Prayer Book was not confirmed by Statute so as to authorize you to deduce doctrines positively from it, I believe that he is mistaken in this, and that I shall be able to prove the contrary. My learned friend seemed to consider forms of prayer, whether authorized by public sanction or not, as being in reality no formal or explicit enunciations of doctrine at all ; that we must look at them rather as devotional expressions—the mere language and ebullitions of pious fervour, not as declarations of faith, or the solemn assertions of religious truth.

My Lords, I apprehend that such notions are clearly contrary even to the ordinary understanding of mankind ; that it has always been supposed that Liturgies and authorized Forms of Prayer are the best evidence, the strongest indications, of the belief of any particular Church ; they are the forms which the Church herself puts into the hands of her children ; by them she directs them to address themselves to the Almighty, and certainly they would be most extraordinary prayers indeed, if they did not contain formal expressions of doctrine ; inasmuch as in a vast variety of cases, the very enunciation of doctrine, and profession of belief in some particular truth of revelation is the ground

on which we supplicate Heaven for the grant of certain blessings. Would any one say, when the Prayer Book is put into the hands of a congregation, and they are required to join in such an address as that to the Holy Trinity, which is used on one of the great Festivals of the Church, that this is not a most solemn declaration of the Church's doctrine, on one of the highest mysteries of our religion? I allude to one of the prefaces in the Office of the Holy Communion, appointed for Trinity Sunday, the language of which is this—"Who art one God, one Lord; not one only Person, but three Persons in one Substance. For that which we believe of the glory of the Father, the same we believe of the Son, and of the Holy Ghost, without any difference or inequality." When the Church puts that awful declaration into the mouths of all her worshippers in the most solemn of her services, is it to be denied, is it to be disputed for one moment, that that is a formal enunciation of the doctrine of the Church of England? Can it be supposed that it is not binding upon her Clergy, as the doctrine which they are to teach; binding upon her Laity, as the doctrine which they are to profess; that it is such a declaration of doctrine as would in itself be sufficient, not only to authorize every Minister to conform to it, but to render him liable to ecclesiastical censures if he departed in any respect from it?

Again, my Lords, in the common form of the Litany, which is used not only every Sunday, but twice in the week besides, we have an express declaration of the same doctrine brought before us in the most solemn manner: "O holy, blessed, and glorious Trinity, three Persons and one God, have mercy upon us, miserable sinners." Now, without resorting to the Articles, is it not clear that we have in this a formal enunciation of the belief of the Church, and are we not to resort to the Prayer Book in cases of this sort for

proof of the doctrine which we profess? Surely, my Lords, that is so. I might carry your Lordships almost through the whole Prayer Book; there is collect upon collect, prayer upon prayer, in which particular doctrines are stated expressly and with precision. Take, for instance, the Collect for the Eighth Sunday after Trinity, in which we are taught to pray thus:—"O God, whose never-failing Providence ordereth all things, both in heaven and in earth." Is not that a formal profession by the Church of her belief in a particular Providence? Clearly, my Lords, it is as much an expression of belief, as direct and authoritative an assertion of doctrine, as anything in the Creeds or Articles can be. It would be a positive profanation if the Church put into the mouths of her children such declarations as these, and we were to be at liberty to say afterwards that these are merely "devotional expressions," by which we were not bound to learn and to regulate our faith.

In the 7th volume of Bishop Heber's edition of Jeremy Taylor's Works (p. 375), in the 'Apology for Authorized and Set Forms of Liturgy,' there is a passage which illustrates what I am saying:—

"Public Forms of Prayer are great advantages to convey an article of faith into the most secret retirements of the spirit, and to establish it with a most firm persuasion, and endear it to us with the greatest affection. For since our prayers are the greatest instruments and conveyances of blessing and mercies to us, that which mingles with our hopes, which we owe to God, which is sent of an errand to fetch a mercy for us, in all reason will become dearer to us for all these advantages: and just so is an article of belief inserted into our devotions and made a part of prayer—it is extremely confirmed by that confidence and πληροφορια, 'fulness of persuasion,' that must exclude all doubting from our prayers, and it insinuates itself into our affection by being mingled with our desires, and we grow bold in it by having offered it to God, and made so often acknowledgment to Him, who 'is not to be mocked;' and certainly it were a very strange Liturgy in which there were no public Confession of Faith; for as it were deficient in one act of God's worship, which is offering up the understand-

ing to God, bringing it in subjection to Christ, and making public profession of it, it also loses a very great advantage which might accrue to faith by making it a part of our liturgic devotions;—and this was so apprehended by the ancients in the Church, our Fathers in Christ, that commonly they used to oppose a Hymn, or a Collect, or a Doxology, in defiance of a new-sprung heresy. The Fathers of Nice framed the ‘Gloria Patri’ against the Arians. St. Austin composed a hymn against the Donatists. St. Jerome added the ‘Sicut erat in principio’ against the Macedonians. St. Ambrose framed the ‘Te Deum’ upon occasion of St. Austin’s baptism, but took care to make the hymn to be of most solemn adoration, and yet of prudent institution and public confession, that, according to the advice of St. Paul, we might ‘sing with grace in our hearts to the Lord,’ and, at the same time, ‘teach and admonish one another’ too.”

Again, Bishop Taylor says,—

“Public Forms of Liturgy are also the great securities and bases to the religion and piety of the people; for circumstances govern them most; and the very determination of a public office, and the appointment of that office at certain times, engages their spirits, the first to an habitual, the latter to an actual devotion. It is all that the *οἱ πολλοί*, many men know of their religion, and they cannot, any way, know it better than by those forms of Prayer which publish their faith and their devotion to God and all the world, and which, by an admirable expedient, reduce their faith into practice, and place their religion in their understanding and affections; and therefore St. Paul, when he was to give an account of his religion, he did it, not by a mere recitation of the articles, but by giving account of his liturgy and the manner of his worship: ‘After that way which they call heresy, so worship I the God of my Fathers;’ and the best worship is the best religion, and therefore I am not to trust any man to make my manner of worshipping, unless I durst trust him to be the dictator of my religion, and a Form of Prayer made by a private man is also my religion made by a private man.”

VICE-CHANCELLOR KNIGHT BRUCE.—Does Taylor use the maxim, “*Lex orandi est lex credendi*”?*

MR. BADELEY.—I do not know that he does; but I

* This maxim had been cited by Dr. Addams in his argument.

believe that I can refer your Lordship to a passage in Harduin's 'Councils,' which may serve to show the source from which the maxim is derived. It is a passage which occurs amongst some "Capitula," or "Decreta," of a very early date, not later than the fourth or fifth century, which may be found in the 1st volume of Harduin's 'Councils,' page 1257. The passage is this:—

"Præter eas autem beatissimæ et apostolicæ sedis inviolabiles sanctiones, quibus nos, piissimi Patres, pestiferæ novitatis elatione dejectâ, et bonæ voluntatis exordia, et incrementa, probabilium studiorum, et in eis usque in finem perseverantiam, ad Christi gratiam referre docuerunt; obsecrationum quoque sacerdotalium sacramenta respiciamus, quæ, ab Apostolis tradita, in toto mundo et in omni Ecclesiâ Catholicâ uniformiter celebrantur, *ut legem credendi lex statuat supplicandi.*"

It is, I think, evidently from this source that the maxim has been derived; and one more pregnant with meaning, and more true in its principles, could hardly be adduced. The words which follow are worth notice, as they carry on this sentiment, and apply in some measure to the subject which we are considering:—

"Cum enim sanctarum plebium Præsules mandatâ sibi met legatione fungantur, apud divinam elementiam humani generis agunt causam, et totâ secum congemiscente Ecclesiâ postulant et precantur, ut infidelibus donetur fides, ut idolatræ ab impietatis suæ liberentur erroribus, ut Judæis ablato cordis velamine lux veritatis appareat, ut hæretici Catholicæ fidei perceptione resipiscant, ut schismatici spiritum redivivæ charitatis accipiant, ut lapsis pœnitentiæ remedium conferatur, *ut denique catechumenis, ad regenerationis sacramenta perductis, cœlestis aula misericordiæ reseretur.*"

Thus, my Lords, we have the testimony of the early Church to the connexion of doctrine with devotion; we see that they read their belief in their prayers, and that with them as with others, the "lex orandi" was the "lex credendi."

My Lords, that Liturgies and Formularies are the best

evidence and expositors of the doctrines of any Church, and that they are so particularly in the case of the Church of England, has been noticed by a person of considerable eminence in our own country. Selden, in his 'Table Talk,' has this observation:—"There is no Church without a Liturgy, nor indeed can there be conveniently, as there is no school without a Grammar. To know what was generally believed in all ages, the way is to consult the Liturgies, not any private man's writing. As if you would know how the Church of England serves God, go to the Common Prayer Book ; consult not this or that man."

Now this is precisely the principle for which I contend ; it is the view which any person of common sense must take. It is impossible to suppose, that in a matter of so much importance as the preparation of public forms of prayer, the greatest care should not be used ; and we know that it was always the rule of the Church in former days, that the Bishop of the diocese, or the Bishops of the whole province, or of the Church, should prescribe the Forms of Prayer ; they were drawn up upon grave consideration, and those who framed them well knew, that, as they were putting into the mouths of their congregations particular expressions, which were to become familiar by constant use, nothing would be so likely to keep the people in the right belief, as giving them prayers which enunciated that belief fully and correctly ; whereas nothing would be so certain to lead them wrong, as putting into their mouths forms which expressed loosely or imperfectly the belief which they were to hold. And therefore I think, my Lords, that when I find a Form of Prayer authorized and drawn up with the care that ours has been, and authorized as ours is, it is not too much to say, even upon general principles, and without going to any enactment, either of the Legislature or of Convocation, that we are entitled to look to the Book of Common

Prayer, and that we are bound to look to it, for formal enunciations of doctrine : and if the Prayers of the Church and the formularies of public worship comprise matters of belief ; if they declare the truths of religion ; if they explain the nature and effects of the Sacraments ; if they teach the duties of faith and of practice ;—whether these things are shown by prayers, or by professions, or by exhortations,—the doctrines so expressed are formally and positively authenticated, by them the Church is bound, and they are to be regarded in this Court, as in every Court of this realm, as the rule and the law of the Church.

My Lords, my learned friend Dr. Addams alluded just now to the Act of Uniformity, and I apprehend that the Act of Uniformity is one upon this very subject, the effect of which cannot for a moment be disputed. Here is the Legislature, by a solemn Act, binding the Book of Common Prayer upon the conscience and upon the practice of every Clergyman ; it requires from him, as a necessary foundation,—as a condition precedent to his exercising the office of public teacher in the congregation, and holding the Ministry of any Church—that he shall declare his “*unfeigned assent and consent*,” not merely to the *use* (as has been contended on the other side), but “to all and everything contained and prescribed in and by the book entitled ‘The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church.’” Is it possible that it can be contended, when the Legislature requires this from a Clergyman, as the foundation for his exercising the Office of Pastor of any parish, that those things which are contained in the Prayer Book are not to be regarded as plain declarations of belief, by the infringement of which he will be violating the duty prescribed by Statute, as well as by the general Ecclesiastical Law of the country ? Surely it is impossible to do so ; and therefore, if the question stood

upon the Statute of Charles II. alone, as giving effect to the matters of doctrine contained in the Book of Common Prayer, I think it would be quite conclusive.

But, my Lords, in order to show the authority of Statutes on this subject, I would refer back to the previous Acts of Uniformity, because your Lordships are aware that those previous Acts of Uniformity are still in force ; that they are expressly ratified, having been revived by the Statute of Elizabeth ; and that the general declarations and ratifications contained in the previous Statutes are carried on by the last. It is also to be borne in mind, that the Prayer Book which is the subject of the last Act—the Act of Uniformity of the reign of Charles II.—is, in point of fact and in substance, the very same Prayer Book that was originally authorized by the Statute of Edward VI., for the Statute refers to it as the same book—altered, no doubt, and amended and amplified, but still the Book of Common Prayer, and in each Statute referred to as the same book. The first Statute, of the 2nd and 3rd Edward VI., has some very express and remarkable words upon this subject.

LORD CAMPBELL.—There were very important alterations : the Prayer Book of Edward VI. teaches that Extreme Unction is one of the Sacraments, and gives an office for administering that as a Sacrament.

MR. BADELEY.—No doubt the book was altered ; I admit that : but I think I shall be able to show that, whatever alterations it has had, it was not altered in the point we are considering, the doctrine of Baptism ; and that where it has not been altered in any material respect, or in any point of doctrine, it stands confirmed by Statute, just as much as it did by the early Statute of Edward VI. ; and I assert that, with respect to Baptism, there is no substantial variation in

any editions of the book, so as to alter the doctrine in any degree ; the doctrine has continued to the present time as it has always existed, both in the Church of England, and in the whole Catholic Church.

Now that being so—the Acts all referring in succession to the Book of Common Prayer as the same book in substance—I would refer your Lordships to the first Act of Uniformity, the Statute of the 2nd and 3rd of Edward VI., chapter 1st. The first section of this recites the inconvenience that had arisen from there being

“Divers forms of Common Prayer, commonly called the Service of the Church, that is to say, the use of Sarum, of York, of Bangor, and of Lincoln ; and besides the same, now of late much more divers and sundry forms and fashions have been used in the Cathedral and Parish Churches of England and Wales, as well concerning the Matins or Morning Prayer, and the Even-song, as also concerning the Holy Communion, commonly called the Mass, with divers and sundry rites and ceremonies concerning the same, and in the administration of other Sacraments of the Church.”

It then recites the attempts which had been made to remedy this evil without success, but that at length—

“To the intent a uniform, quiet, and Godly order should be had concerning the premises, the King had appointed the Archbishop of Canterbury and certain of the most learned and discreet Bishops and other learned men of this realm to consider and ponder the premises ; and thereupon having as well eye and respect to the most sincere and Christian religion taught by the Scripture, as to the usages in the Primitive Church, that they should draw and make one convenient and meet order, rite, and fashion of Common and Open Prayer and Administration of the Sacraments to be had and used in his Majesty’s realm of England and Wales.”

And then comes a remarkable expression,—

“The which at this time, by the aid of the Holy Ghost, with one uniform agreement, is of them concluded, set forth, and delivered to his Highness, to his great comfort and quietness of mind, in a book intituled

‘The Book of the Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, after the use of the Church of England.’”

Now certainly, I do not suppose that any legislative confirmation of a book could be more solemn, more express, or more full than this, showing that the utmost care had been taken to have this book framed in such a way as should be consistent with true religion, and with the usage of the primitive Church; and asserting expressly that the council appointed for this purpose *had performed their duty by the aid of the Holy Ghost*. The statute then confirms the book upon that ground, and requires it to be universally used, and very severe penalties are enacted against those who offend against it.

The next statute upon the subject was the statute of the 5th and 6th Edward VI., Chapter 1, which expressly affirms the soundness and excellence of the Prayer Book authorized by the previous statute, having this recital:—

“Where there hath been a very Godly order set forth by the authority of Parliament for Common Prayer and Administration of the Sacraments to be used in the mother tongue within the Church of England, agreeable to the Word of God and the Primitive Church, very comfortable to all good people desiring to live in Christian conversation, and most profitable to the estate of this realm, upon the which the mercy, favour, and blessing of Almighty God is in no wise so readily and plentifully poured as by Common Prayers, due using of the Sacraments, and often preaching of the Gospel, with the devotion of the hearers; and yet this notwithstanding, a great number of the people in divers parts of this realm, following their own sensuality, and living either without knowledge or due fear of God, do wilfully and damnably before Almighty God abstain and refuse to come to their parish churches.”

It then goes on to enact that they shall attend their parish churches; and then it says in the 5th section:—

“And because there hath arisen in the use and exercise of the aforesaid Common Service in the Church heretofore set forth, divers doubts

for the fashion and manner of ministration of the same, rather by the curiosity of the Minister and mistakers than of any other worthy cause, therefore, as well for the more plain and manifest explanation hereof, as for the more perfection of the said order of Common Service in some places where it is necessary to make the same Prayers and fashion of Service more earnest and fit to stir Christian people to the true honouring of Almighty God, the King's Most Excellent Majesty, with the assent of the Lords and Commons in Parliament assembled, and by the authority of the same, hath caused the aforesaid order of Common Service, intituled 'The Book of Common Prayer,' to be faithfully and godly perused, explained, and made fully perfect, and by the aforesaid authority hath annexed and joined it, so explained and perfected, to this present Statute; adding also a form and manner of making and consecrating of Archbishops, Bishops, Priests, and Deacons, to be of like force, authority, and value as the same like foresaid book."

So that here is a ratification of the same book which was referred to in the first statute, and an express declaration that it was according to the Word of God, and in force by law; and all that is done in this second statute is, to ratify the alterations which had been made in it for its greater perfection.

Then the next statute on the subject is the statute of the 1st of Elizabeth, Chapter 2—"An Act for Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments;" and that statute begins with a recitation that

"Where, at the death of our late Sovereign Lord King Edward the Sixth, there remained one uniform order of Common Service and Prayer, and of the administration of Sacraments, Rites, and Ceremonies of the Church of England, which was set forth in one book, intituled 'The Book of Common Prayer, and Administration of Sacraments and other Rites and Ceremonies in the Church of England,' authorized by Act of Parliament holden in the 5th and 6th years of our said Sovereign Lord King Edward the Sixth, intituled 'An Act for the Uniformity of Common Prayer and Administration of the Sacraments,' the which was repealed and taken away by Act of Parliament in the first year of the reign of our late Sovereign Queen Mary, *to the great decay of the due*

honour of God, and discomfort to the professors of the truth of Christ's religion."

So the repeal and taking away of the book was considered a prejudice to true religion and the due honour of God. It goes on and enacts,

"That the said statute of repeal, and everything therein contained, only concerning the said book, and the service, administration of the Sacraments, Rites and Ceremonies, contained or appointed in and by the said book, shall be void, and of none effect, from and after the Feast of the Nativity of St. John Baptist next coming. And the said book, with the Order of Service, and of the Administration of Sacraments, Rites and Ceremonies, with the alterations and additions therein added and appointed by this statute, shall stand and be, from and after the said Feast of the Nativity of St. John Baptist, in full force and effect, according to the tenour and effect of this statute; anything in the aforesaid statute of repeal to the contrary notwithstanding."

Then it proceeds to enact a penalty against those who deprave the book or derogate from its authority. So that from Edward the Sixth's time there is the same book referred to, with the same expression of its being "according to the Word of God," and for "the maintenance and the support of true religion." It declares that "true religion had suffered" by the fact of the book being set aside; and then comes at last the statute of Charles II., which recites the statute of Elizabeth and refers to the book thereby authorized. It says that—

"In the first year of the late Queen Elizabeth there was one uniform order of Common Service and Prayer, and of the Administration of Sacraments, Rites, and Ceremonies in the Church of England *agreeable to the Word of God and usage of the primitive Church*, compiled by the reverend Bishops and Clergy."

Then it goes on to state how some persons

"Wilfully and schismatically refused to come to their Parish

Churches and other public places where Common Prayer, Administration of the Sacraments, and Preaching of the Word of God was used on Sundays and other days appointed to be kept and observed as holidays. And that by the great and scandalous neglect of Ministers in using the said Order or Liturgy, so set forth and enjoined, great mischiefs and inconveniences during the time of the late unhappy troubles had arisen and grown, and many people had been led into factions and schisms, to the great decay and scandal of the reformed religion of the Church of England, and to the hazard of many souls. For the prevention whereof in time to come, for settling the peace of the Church, and for allaying the present distempers which the indisposition of the time had contracted, the King's Majesty, according to his declaration of the 25th of October, 1660, granted his commission under the Great Seal of England to several Bishops and other Divines to review the Book of Common Prayer, and to prepare such alterations and additions as they thought fit to offer. And afterwards the Convocations of both the Provinces of Canterbury and York, being by his Majesty called and assembled and then sitting, his Majesty had been pleased to authorize and require the Presidents of the said Convocations, and other the Bishops and Clergy of the same, to review the said Book of Common Prayer, and the Book of the Form and Manner of the Making and Consecrating of Bishops, Priests, and Deacons; and that after mature consideration they should make such additions and alterations in the said books respectively as to them should seem meet and convenient, and should exhibit and present the same to his Majesty in writing for his further allowance and confirmation. Since which time, upon full and mature deliberation, they, the said Presidents, Bishops, and Clergy of both Provinces, had accordingly reviewed the said books, and had made some alterations which they thought fit to be inserted to the same, and some additional Prayers to the said Book of Common Prayer to be used upon proper and emergent occasions, and had exhibited and presented the same unto his Majesty in writing in one book, intituled 'The Book of Common Prayer, and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches, and the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons.' All which his Majesty having duly considered, had fully approved."

Then it provides that the book so amended shall always be used—

"In regard that nothing conduceth more to the settling of the peace

of this nation (which is desired by all good men), nor to the honour of our Religion and the propagation thereof, than an universal agreement in the public worship of Almighty God, and to the intent that every person within this realm may certainly know the rule to which he is to conform in public worship and administration of Sacraments and other Rites and Ceremonies of the Church of England, and the manner how and by whom Bishops, Priests, and Deacons are and ought to be made, ordained, and consecrated."

And then it makes various enactments for enforcing strict conformity to all that the book contains, and requires from every person, admitted to any benefice or promotion in the Church, an open and solemn declaration of his "*unfeigned assent and consent to all and everything contained and prescribed in and by this book.*"

Now, my Lords, I think after that, it is quite impossible to say that we have not the authority of the Legislature for even the doctrines contained in the Book of Common Prayer. It is not simply, as has been suggested, an authorization of it as mere forms of devotion; but it is an express declaration by the Legislature, carrying out the previous enactments which had been made from time to time from the earliest formation of the book, that it is agreeable to the Word of God, and that it contains that which is proper for the instruction and edification of the people. I maintain, therefore, that the doctrine set forth in the Book of Common Prayer is most fully confirmed by the Legislature, and, therefore, that if it were necessary, it would be open to proceed against any Clergyman, according to the Laws Ecclesiastical of this realm, who violated the Book of Common Prayer by preaching any doctrine contrary to anything therein contained, and that it would be easy to punish him under that statute, without referring at all to any one of the Thirty-nine Articles. Then if that is so, the Book of Common Prayer must stand upon the same footing with respect to *doctrine* as the Thirty-nine Articles. They rest upon the same

authority. The Church and the State have alike promulgated both, and given them equal sanction.

Now I will venture to submit, my Lords, even further, that if there were any question between the two, if it were really necessary to abide, either by the Thirty-nine Articles, or by the Prayer Book, in consequence of any absolute discrepancy between them, it would be rather more correct, according to ordinary rules, to defer to the Prayer Book than to the Thirty-nine Articles, because it appears that the Prayer Book has gone through the latest revision—that it has been the last confirmed by the Legislature; and, therefore, looking at the two as authorized by separate Acts of Parliament, the last which was so authorized must be deemed to be the final intention of the Legislature; for your Lordships well know the rule of law for the true construction of statutes, that if there are two, or more, *in pari materiâ*, although they must be so construed together as if possible to give effect to each, yet, when there is any inconsistency between them, the latter must prevail, and of course override the former. I think, therefore, that upon this principle, the Prayer Book, so far from being entitled to less, may claim rather more consideration than the Articles, even in point of doctrine, and that by the authority of the Legislature itself.

But, my Lords, the question does not by any means rest there; for I have other grounds for saying that the doctrine contained in the Prayer Book is equally at least to be regarded, and quite as obligatory, as that of the Thirty-nine Articles, inasmuch as it is placed upon an equal footing with the Articles by the Canons of 1603, which unquestionably are the Law of the Church of England, and which this Court, as an appellate Ecclesiastical Court, is bound to administer.

Now I need hardly tell your Lordships that the Canons of 1603 are binding upon the Clergy *proprio vigore*; that

was expressly laid down by Lord Hardwicke in the Court of King's Bench, in the celebrated case of *Middleton v. Croft*, reported in the "Cases in the Time of Lord Hardwicke;" and it was there held by the Court, that those Canons, whatever effect they may have on the laity, are undoubtedly the Law of the Clergy, by which all, whether Bishops, Priests, or Deacons, must be governed; those Canons have always been administered by the Ecclesiastical Courts of this country, and regarded by the temporal Courts as having that binding force; and therefore if they, as declarations of the Law of the Church, refer to the Book of Common Prayer as containing and setting forth the doctrine of the Church, then I apprehend it follows, that independently of the authority of the Legislature, that doctrine is the Law of the Church, and must be admitted and enforced as such by every Ecclesiastical Court.

My Lords, there are several Canons to which I may refer; the first is the 51st Canon, in which it is said:—

"The Dean, Presidents, and Residentiaries of any Cathedral or Collegiate Church shall suffer no stranger to preach unto the people in their Churches, except they be allowed by the Archbishop of the Province, or by the Bishop of the same Diocese, or by either of the Universities; and if any in his sermon *shall publish any Doctrine either strange or disagreeing from the Word of God, or from any of the Articles of Religion agreed upon in the Convocation House, Anno 1562, or from the Book of Common Prayer*, the Dean or the Residents shall, by their letters subscribed with some of their hands that heard him, so soon as may be, give notice of the same to the Bishop of the Diocese, that he may determine the matter and take such order therein as he shall think convenient."

There is express reference in this, which is the undoubted Law of the Church, to the Book of Common Prayer, as enunciating and showing the doctrine of the Church of England, equally with the Articles.

Again, in Canon 57, which is more particularly im-

portant to the question before your Lordships, because it relates to the administration of the Sacraments, we have this:—

“Whereas divers persons, seduced by false teachers, do refuse to have their children baptized by a Minister that is no preacher, and to receive the Holy Communion at his hands in the same respect, as though the virtue of those Sacraments did depend upon his ability to preach; forasmuch as the Doctrine”—

(I pray your Lordships’ attention to this)—

“forasmuch as the Doctrine both of Baptism and the Lord’s Supper is so sufficiently set down in the Book of Common Prayer to be used at the administration of the said Sacraments, as nothing can be added unto it that is material and necessary, we do require and charge,” &c.

Here therefore is an express ratification by the Canon of the doctrine on the subject of Baptism contained in the Prayer Book. Then, in the 59th Canon, it is enjoined that

“Every Parson, Vicar, or Curate, upon every Sunday and Holy-day, before Evening Prayer, shall, for half an hour or more, examine and instruct the youth and ignorant persons of his Parish in the Ten Commandments, the Articles of the Belief, and the Lord’s Prayer, and shall diligently hear, instruct, and teach them the Catechism set forth in the Book of Common Prayer.”

There is here a reference only to one portion of the Prayer Book, the Catechism; but the Catechism is a formal and solemn enunciation of doctrine, and it will be difficult to contend that we may not resort to the Catechism to show what the doctrine of the Church of England is.

In the 73rd Canon we have also this:—

“That no Priests or Ministers of the Word of God, nor any other persons, shall meet together in any private house or elsewhere, to consult upon any matter or course to be taken by them, or, upon their

motion or direction, by any other, which may any way tend to the impeaching or depraving of *the Doctrine of the Church of England, or of the Book of Common Prayer*, or of any part of the government and discipline now established in the Church of England, under pain of excommunication *ipso facto*."

It seems to me that we have thus a complete recognition, by the law of the Church, as well as by that of the State, of the doctrine in the Book of Common Prayer: we have it by statute, we have it by Canons, and we have those Canons referred to and authorized by the temporal Courts. But further, the Act of Uniformity (and I believe my learned friends on the other side admitted this) binds on all persons the Rubric of the Book of Common Prayer; it is imperative on them as part of the law of the land. What does the Rubric prescribe?—It expressly requires that the Catechism shall be used in every parish of this kingdom, and that every minister "shall diligently, upon every Sunday and Holiday" (according to the words of the Canon), "openly in the Church instruct and examine the children of his Parish in the Church Catechism."

Is not that a direct and sufficient recognition by the Legislature of the doctrine held in the Book of Common Prayer, so far at least as the Catechism is concerned? The Catechism, therefore, at all events, cannot be repudiated as an exposition of doctrine, not only authorized but positively enjoined by the Statute Law of the Realm, just as fully as the Thirty-nine Articles are said to be; and Bishop Burnet, I believe in his 'Pastoral Care,' has very truly observed that "the Catechism is the most solemn declaration of the Doctrines of the Church of England."

Then, my Lords, if that is so, if it is consistent with common sense, and conformable with ancient practice, if it is the Law of the State, if it is also the Law of the Church, sanc-

tioned moreover by the temporal Courts, then I apprehend that the Book of Common Prayer may and must be looked at, just as much as the Articles, upon any matter of doctrine whatever. The Articles and the Formularies of the Church stand precisely upon the footing of two statutes made *in pari materiâ*; and your Lordships will be bound, as I have already stated, to construe both together, and so to construe them as not to elude the force of either, but to give effect to every part and parcel of each. Now that this is the rule of law, no person will venture to dispute; it is expressly laid down in Bacon's Abridgment (title Statute D. 3):—

“It is an established rule of law, that all acts *in pari materiâ* are to be taken together as if they were one law. If it can be gathered from a subsequent Statute *in pari materiâ* what meaning the Legislature attaches to the words of a former Statute, this will amount to a legislative declaration of its meaning, and will govern the construction of the first Statute;”

and that rule so expressed coincides with what I was venturing to suggest a little while ago, namely, that if there were any question between the two, whether the Articles or Formularies of the Church of England were to be preferred, the Act of Uniformity, which binds the Prayer Book more particularly on the Church and on the Clergy, would rather seem to make the Prayer Book a standard to control the Articles, than the Articles the Prayer Book.

Now, my Lords, I think it may be said that there is some reason for the principle which I am now asserting in another point of view. We have been told that the Articles of the Church of England are her “Code of Doctrine,” and that the Prayer Book is her “Code of Devotion:” that, I think, was the expression. In the course of Mr. Gorham's examina-

tion, it appears that he repeatedly referred to the Articles as a "severely rigid standard of doctrine:" I think his language was, "severely grave and formal declarations of divine truth;" "an explicit standard of doctrine;" "laying down the doctrine of both Sacraments distinctly and with severe precision."

Now, my Lords, I admit that if the Articles do clearly and explicitly and completely enunciate the doctrine on any particular point of theology, that is binding as law on the Church and on the State; but I say this, that if the Common Prayer Book treats of the same doctrine, and explains it more fully, that must stand and be regarded as an explanation of the Articles. But I must take the liberty of saying, that so far from the Articles being *in all respects* such a "severely rigid and precise rule," and such "an explicit standard," and framed with "such severe precision," a very little examination will show that many of them are not drawn up so carefully. Many of them, I admit, are: for instance, the first five or six have something of what Mr. Gorham may call "severe precision," and unquestionably they ought to have, inasmuch as they refer to the nature of the Deity himself; but there are many that are not so: for instance, the twenty-fifth, entitled "Of the Sacraments." In the third paragraph there is a remarkable passage, which certainly shows that no very great care or "severe precision" was exercised in framing it, for it runs thus:—

"Those five, commonly called Sacraments, that is to say, Confirmation, Penance, Orders, Matrimony, and Extreme Unction, are not to be counted for Sacraments of the Gospel, being such as have grown partly of the corrupt following of the Apostles, partly are states of life allowed in the Scriptures."

Now, my Lords, take the first of these that are thus mentioned—Confirmation: no doubt Confirmation is a

most solemn rite of the Church, which the Bishops are bound to administer, and to which the Clergy are bound to bring the young members of their congregations in due order. Of that there can be no question. It is binding as well by the Act of Uniformity, because required by the Rubric, as by the Canons and the general law of the Church ; but supposing the Doctrine of Confirmation were made to rest on the Articles, we should be in this position : we should be left to infer that Confirmation was a result “of the *corrupt following* of the Apostles,” for it is clearly not “a state of life,” and the Article only gives us our choice between these two descriptions. If it is not “a state of life,” then, according to the “severe precision” of this Article, it seems to be “a corrupt following of the Apostles.”

BARON PARKE.—It does not state that the two parts include the whole. It only says they are partly one and partly the other ; not that the two parts embrace the whole.

MR. BADELEY.—But the Article makes no exceptions ; it embraces all the five ordinances under the two descriptions ; and I submit that, according to the ordinary rules of interpretation, Confirmation would have to range itself either under one or under both of these : at all events, it seems to be a very strange and very loose mode of dealing with a solemn Apostolic rite, which is undoubtedly binding upon all the members of the Church, but yet may be thought to be condemned. This at least has been contended to be the case with respect to Extreme Unction, and the Article does not distinguish between them.

Again, in the same Article, the very next paragraph is,—

“ *The Sacraments* were not ordained of Christ to be gazed upon, or to be carried about, but that we should duly use *them*.”

But these words can only apply properly to the Sacrament of the Lord's Supper ; it was only the Sacrament of the Lord's Supper that was ever “ carried about : ” who ever thought of “ carrying about ” the water of Baptism ? It never was done. And as to being “ gazed upon,” that is the very thing which, in the case of Baptism, the Rubric of the Common Prayer requires it should be ; it expressly enjoins, at the commencement of the Office of Baptism, that—

“ The people be admonished that it is most convenient that Baptism should not be administered but upon Sundays and other Holidays, when the most number of people come together ; *as well for that the congregation there present may testify the receiving of them that be newly baptized into the number of Christ's Church, as also because in the Baptism of Infants every man present may be put in remembrance of his own profession made to God in his Baptism.* ”

The words “ *the Sacraments*,” however, would apply to both ; but it is evident that they refer only to the Holy Communion.

So, again, my Lords, I might point out many others. There is one remarkable Article, the 11th, which says,—

“ We are accounted righteous before God only for the merit of our Lord and Saviour Jesus Christ, by faith, and not for our own works or deservings ; wherefore that we are justified by faith only is a most wholesome doctrine, and very full of comfort,” &c.

Now if we were to take these words literally, they would be in flat contradiction to the very words of Scripture ; for it is a remarkable thing, that *this expression of “ being justified by faith only ” occurs only once in the whole of the New Testament, and there it is used to contradict it.* The passage is in the Epistle of St. James :—

“Ye see then, how that by works a man is justified, *and not by faith only.*”

So that if this Article stood alone, and if the Articles were to be taken as such a “severe standard of doctrine,” and as “drawn up with such severe precision,” we might have in this case to elect between them and Holy Scripture.

THE VICE-CHANCELLOR KNIGHT BRUCE.—This Article seems to incorporate the Homily of Justification.

MR. BADELEY.—It does ; but it rather seems to vouch the Homily, (which, by the way, is wrongly entitled here) as expressing more fully the very doctrine which in Scripture is only mentioned to be condemned. So, again, it appears that many of the Articles were framed rather to meet the controversies of the day, than to form part of a complete “code of doctrine.” With respect to matters which were then controverted with the Roman Church, there is no doubt that they formed the principal subjects of consideration with those who framed the Articles ; and if so, it would seem natural that the Articles should be mainly directed to them, and to such other questions as were more particularly under discussion at that time, and that many others, like the one now before your Lordships, which then excited no difference or but little attention, should be left unnoticed or unexplained.

And, again, there are several most important subjects, most awful and solemn doctrines of the Church, which are not touched upon by the Articles at all. For instance, there is not one word in the Articles respecting the Office of the Holy Ghost ; there is the 3rd Article, which states his Personality ; but the Office of the Holy Spirit is nowhere mentioned, and yet it is perfectly clear that that is a most

solemn doctrine of the Church, and one enunciated clearly by the Prayer Book ; one which if a clergyman refused to teach, or taught otherwise than according to the Prayer Book, he would be liable to the heaviest Ecclesiastical penalties. So, again, upon the duty of Public Prayer, and the doctrine of Prayer generally, there is not one word in the Articles. So, again, the doctrine of a particular Providence, which is fully expressed in the Prayer Book, is not specified in the Articles. And so, many other omissions might be mentioned. Take, for instance, the existence of Satan : there is not one word on that ; and yet I apprehend that it is a most serious doctrinal truth. Suppose a person denied the existence of the Evil One—he would be liable to grave censure, as violating the law of the Church, and as contravening its doctrine ; and yet he could not be charged for this upon the Articles, though he might upon the Prayer Book. So that to talk about the Articles as being complete and explicit in all respects, and as if nothing were to be looked for out of them, is really absurd ; many of them being loose and imperfect, and the whole, as a “Code of Doctrine,” omitting much that is most important.

LORD CAMPBELL.—There is surely a very distinct declaration of Divine Providence in the very first Article :—

“ There is but One living and true God, everlasting, without body, parts, or passions, of infinite power, wisdom, and goodness, the Maker and Preserver of all things, both visible and invisible.”

That is *Providence* surely ?

MR. BADELEY.—Not a particular Providence ; no more, necessarily, than a general ; and if a person were charged, upon the Articles alone, for not teaching that doctrine fully,

I think there would at least be some difficulty in supporting the case ; there would be no difficulty if you resorted to the Prayer Book, because there it is clearly taught over and over again. All that I mean is this—there are many points in the Prayer Book, many matters of grave doctrine, which are not set forth at all in the Articles, and that an infringement of those doctrines would be a ground of Ecclesiastical censure, of suspension or deprivation, and of course, by the same rule, of refusal to institute to a living.

This was one of the points which my learned friends made on the other side : they said that you could not resort to the Prayer Book for any purpose of that sort, either for deprivation or for refusal of institution ; that you must abide by the Articles, and them alone ; and that it was only for matters of doctrine enunciated in them, and not in the Prayer Book, that you could refuse institution or deprive. I submit that is not so, and that by the general law of the Church, the doctrine laid down by the Prayer Book is so binding upon every Clergyman, that if a person refused to teach or acknowledge any part of it, though omitted or not fully explained in the Articles, he would be just as liable to Ecclesiastical censures, or to refusal of institution, as if he infringed those which are positively and explicitly stated in the Articles.

THE VICE-CHANCELLOR KNIGHT BRUCE. — Do you mean that if a Clergyman were to deny the sanctifying office of the Holy Ghost, that would not be contrary to the Articles ? Do I understand you to say that a Clergyman denying the sanctifying office of the Holy Ghost would not be contradicting the Articles ?

MR. BADELEY.—I think in strictness he would not ; he would be clearly contravening the Prayer Book.

THE VICE-CHANCELLOR KNIGHT BRUCE.—Beyond all question.

MR. BADELEY.—As far as the Articles are concerned, I think you could not frame the charge upon them; supposing it was a question of indictment, you could not frame an indictment on those Articles with respect to that point.

THE VICE-CHANCELLOR KNIGHT BRUCE.—I gave that as an instance.

MR. BADELEY.—Yes, I think so. I mean a charge simply upon the language of the Articles.

Now, my Lords, I apprehend it is perfectly clear, as I have already stated, with reference to the Statutes, or to the Canons, or to any other law, that if there are two or more which are *in pari materiâ*, and one is at all doubtful or less full, and the other clear or more full, you must refer to the one that is more, to explain that which is less complete.

THE BISHOP OF LONDON.—There is the Nicene Creed; that which you state should not go forth, that a person who denies the “sanctifying influence of the Holy Ghost” does not come within the Articles; he contravenes the Nicene Creed, and the Nicene Creed is declared by the Articles to be the true doctrine, and in that the Holy Ghost is affirmed to be “the Lord and Giver of Life.”

MR. BADELEY.—I am quite aware of that; but I would observe that the Article which professes to treat “Of the Holy Ghost,” while it declares His Nature and His Person-

ality, stops short there, and says nothing of His Office. You are driven, therefore, to that simple expression in the Nicene Creed, "the Lord and Giver of Life," and I think there would be difficulty in framing a specific legal charge, as to some errors or heresies, upon that alone, and the charge even then would only be indirectly brought within the Articles. The safer course would be to charge the party upon the general law of the Church, or with violating the Prayer Book ; and the very point which I make is, that all that is in the Prayer Book enunciated as doctrine, is as much law as if completely shown to be the doctrine of the Church of England in the Articles.

THE BISHOP OF LONDON.—If you recollect the argument addressed to us on the other side, that was not denied, but expressly stated ; if you find anything in the Prayer Book that is a distinct enunciation of doctrines, it is not to be disputed.

LORD CAMPBELL.—If enunciated *as* doctrine.

MR. BADELEY.—The observation I was making bore rather on what Mr. Gorham had alleged, than on what had been particularly stated by my learned friends on the other side. Mr. Gorham, in the course of his examination, and in his book (and it is to these more especially that the Court has to look), seemed to refer to the Articles, and to rest on them altogether, and to supersede the Prayer Book as an enunciation of doctrine. What I wish to maintain is, that the two are to be looked at concurrently ; that one is as much binding, and as completely to be regarded in point of doctrine, as the other ; and that the violation of either is at once a sufficient cause of suspension or deprivation, or of refusal to institute.

LORD CAMPBELL.—The main object of the one is to teach the doctrine, and the other is for devotion.

MR. BADELEY.—I apprehend that according to the common rule, and the general understanding on this subject, and according to the express declarations of the Canons and Acts of Parliament to which I have referred, the object of the Prayer Book is to teach people doctrine as well as devotion; to guide them in their Christian profession, as well as in their prayers and their practice; and your Lordships will remember, that the Articles have nothing to do with the people at large. No person who is not a clergyman, with some few exceptions, is bound to subscribe the Thirty-nine Articles; at the Universities, and in some other places, subscription is required; but the Laity generally have nothing to do with the Articles; they are not bound to look at them; on the Clergy they are imposed; but the Laity they do not affect. The Laity are instructed in their doctrine through the medium of the Prayer Book: the prayers, and formularies, and the Catechism therein contained are their instructors; and therefore, unless it be through the Prayer Book that they are to be taught their doctrine, there really is nothing from which they are to learn it, except the preaching of their ministers; and for that reason alone, if there were no other, I should say that to the Prayer Book we are bound to look for matters of doctrine; and, inasmuch as that is the sole vehicle of instruction and devotion to the whole community, whatever doctrines it contains, whether expressly stated or fairly deducible, are those which the Church of England professes, and requires to be received.

But, to return to the Articles, there are many other doctrines besides those which I have mentioned, which are omitted altogether. On the doctrines of Marriage and of Incest, there is nothing to be deduced from the Articles at all;

and yet these are most important, and doctrines which a clergyman would be bound to teach correctly to his congregation.

LORD CAMPBELL.—The Articles refer to the Homilies, and in the Homilies the doctrine of Marriage is fully treated, according to my recollection.

MR. BADELEY.—There is the Homily “of the state of Matrimony;” but I think your Lordship will not find in that the point to which I was particularly referring, namely, the doctrine with respect to Incest, and the prohibitions of Marriage, which are to be deduced from Scripture. As to the duties of married life, I admit there is the Homily which teaches them; but there is nothing relating to the parties between whom marriage may be contracted, nor of its sacramental character, although this is admitted in one of the other Homilies. It follows, therefore, that the Articles themselves leave us on many points to collect the doctrine of the Church of England elsewhere; and there is the more reason for resorting to the Prayer Book for explanation, when it is remembered that the Prayer Book has been corrected and amplified from time to time, and that the Articles have not been. I believe my learned friend Mr. Turner made some observations as to the Prayer Book having been referred to in the Articles of 1552, and not in the subsequent Articles. I do not think there is any thing in that objection, and for this reason: it was in consequence of the recent origin of the Book of Common Prayer, that it was deemed necessary to say anything in the Articles about it. There were many things given in the Articles of 1552, many doctrines referred to, and some condemned, which were left out in the subsequent Articles; but it cannot be contended that the law of the Church was altered by such

omissions, if the same things were affirmed or condemned by other enactments. It was very natural that the Articles of 1552 should refer to the Prayer Book and confirm it, inasmuch as it was the first book of Edward VI., which had then very recently been promulgated, and it was probably necessary, from the change that had taken place by the Reformation, when the old Service books were discarded, and a new one substituted for the first time, that this should be particularly ratified by Convocation, and recommended as it was in these Articles. Afterwards, when that Prayer Book had become fully confirmed, and had been much longer in use, the same necessity did not exist for any particular notice of it; but still your Lordships will recollect that it was equally the law of the Church, that it was equally binding on the Clergy, and authorized and enforced by Statute; and therefore I do not think, from the mere omission from the Articles of 1562 of that which in 1552 had recommended the Prayer Book, that any argument can be drawn against the authority of that book in point of doctrine. If I am right in my conclusion, that the Prayer Book and the Articles both stand together, by the subsequent enactments both of the Church and of the State, then I submit it was perfectly immaterial whether any particular Article did or did not declare its authenticity, as any such declaration was superfluous.

And now, my Lords, as I trust I have succeeded in satisfying your Lordships on this point, I will proceed to consider the third proposition which I stated at the commencement of my address, namely, that the Articles and Formularies of the Church, the latter at least, if not the former, do distinctly and explicitly declare the doctrine of the spiritual and unconditional regeneration of infants in Baptism, and that on the due administration of that Sacrament the infant is at once and positively regenerated.

That, my Lords, is the third of those principles to which I referred, as the basis of the Judgment of the Court of Arches ; and having paved my way, by showing that the Articles and the Prayer Book are of equal authority, and to be read concurrently, I proceed to consider how the doctrine of Baptismal Regeneration is deduced from these two repositories of the doctrines of the Church of England. I shall take it first from the Articles themselves, and then from the Prayer Book ; and I hope to satisfy your Lordships, that even if the case rested upon the Articles alone, these would be more than sufficient to prove that this is the doctrine of the Church of England. If the language of the Articles were not explicit, that of the Prayer Book would put the question beyond all doubt ; but I am anxious, in the first place, to establish this position by the Articles alone, because so much stress has been laid upon them in the argument on the other side, and by Mr. Gorham in his examination, as if they really favoured his view, or left the question open, which I am perfectly satisfied that they do not. I shall confine myself to the plain, strict, literal construction, both of the Articles in the first instance, and of the Formularies in the second ; because I apprehend, in a case of this sort, you are to construe these Articles and Formularies just as you would construe any Act of Parliament ; you are to construe them according to their plain, obvious, and literal meaning—you are not to diverge to the right or to the left ; but if the matter is sufficiently explained and set forth, either in the one or the other, nothing further is requisite, and what is so declared must be deemed the rule of the Church, according to the well-known maxim of law—

“ Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba fienda est.”

According to this maxim I propose to consider the sub-

ject. I wish to satisfy your Lordships that the doctrine in question is to be clearly deduced from the Articles alone, though much more from the Prayer Book when viewed in connexion with them.

Now, my Lords, in construing the Articles, I presume it will not be disputed that we are to look at them all together ; —that we are not bound to rest on one : but as my learned friend called them a “ Code of Doctrine,” we may collect the meaning of those who framed them from one part as well as from another, and that we may apply any one of the Articles, to construe or to explain the meaning of the others.

I shall take, first, the 25th Article, the English translation, and then the Latin :—

“ Sacraments ordained of Christ be not only badges or tokens of Christian men’s profession, but rather they be certain sure witnesses, and effectual signs of Grace, and God’s good will towards us, by the which He doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our faith in Him.”

The Latin is—

“ *Sacramenta a Christo instituta non tantum sunt notæ professionis Christianorum, sed certa quædam potius testimonia, et efficacia signa gratiæ, atque bonæ in nos voluntatis Dei, per quæ invisibiliter Ipse in nos operatur, nostramque fidem in se, non solum excitat, verum etiam confirmat.*”

Now that explains the nature and operation of the Sacraments generally : it is applicable of course to Baptism as well as to the Eucharist ; and I think it perfectly clear, that the language is so framed as to exclude any construction which would not treat the Sacraments as conveying, distinctly and by themselves, Grace—that they are in themselves channels of Grace :—

“ *Certa quædam testimonia, et efficacia signa gratiæ, atque bonæ in*

*nos voluntatis Dei, per quæ invisibiliter Ipse in nos operatur, nos-
tramque fidem in se non solum excitat, verum etiam confirmat."*

I believe I am correct in saying, that those who drew up these Articles originally (and if it was Archbishop Cranmer, the observation will certainly apply to him) were persons well acquainted, not only with the language of the Fathers, but with theological language generally, and that, in framing them, they had reference to that which was the acknowledged language usually adopted by theologians on sacred subjects.

Now, to the word "*signa*" I would particularly call your Lordships' attention, as having a peculiar and explicit theological meaning: it is stronger than our word "signs;" we have nothing perhaps which fully comes up to it; and probably the language of the Article may have been amplified as it is, in order more fully to put forth the meaning that would be conveyed by the word "*signa*" alone, if the Latin only were used.

The word "*signa*" is distinguished by the Fathers, and by ecclesiastical writers, from the word "*signaculum*;" the word "*signaculum*" applying rather to mere outward ordinances, such, for instance, as that of Circumcision; while the word "*signa*" is peculiarly appropriated to *Sacraments*, and to those ordinances which operate effectively on the soul as direct spiritual agents.

There is a passage to that effect in a very early Father, who was in fact contemporary with the Council of Nicæa, St. Zeno,* where, with reference to Baptism, he says,—

* Doubts have been raised by ecclesiastical writers respecting the works of St. Zeno, and it is clear that many of those which formerly passed under his name are spurious; but many were always admitted to be his, even by writers who denied the genuineness of the greater portion. The whole question has been considered with great learning and industry by the "*Fratres Ballerinii*," in their edition of St. Zeno's works published at Verona in the year 1739; and they have carefully distinguished the genuine

“Hoc nos, fratres, Sacramento tam viri quam fœminæ circumcidimur, hoc Spiritûs Sancti *non signaculo, sed signo* censemur.”

To this passage there is a note of the editors, in the edition of St. Zeno's works published at Verona in the year 1739, which marks particularly this meaning of the word “*signum* :” it is as follows :—

“*Signaculum* de circumcissione corporali dicitur, quam licet ‘*signum*’ appellet vulgatus Pauli interpres, quatenus corpus vere signat, tamen ad Spiritum quod pertinet ‘*signaculum justitiæ*’ vocatur. *Signum* autem spirituale ex Patrum linguâ non est nisi quod animum afficit et signat; quâ ratione *signa* dicuntur novæ legis Sacramenta, quæ gratiam non tam significant, sed etiam producant; illa vero Testamenti Veteris quæ gratiam mere significabant, cum ad spirituales notionem referrentur, tum *signacula* tantum appellata inveniuntur. Porro S. Cyprianus, lib. 1, Test. cap. 8, *signaculum* de circumcissione carnali, *signum* vero de spirituali, perinde ac S. Zeno, accipit; ‘Illud *signaculum* fœminis non proficit, *signo* autem Domini omnes signantur.’ Similiter Minucius Felix, cap. 35, *notaculum corporis* illam vocat, hanc vero innocentiae ac modestiae *signum*, quo Christianos facile dignosci ait, uti eodem censi S. Zeno dixit. Forte autem hic *signi* nomine Baptismum intelligit,” &c.

I observe that Facciolati, in his *Lexicon*, cites from Tertullian a passage confirmatory of what is stated in this note: “Neque de ipso signaculo corporis, neque de consortio nominis cum Judæis agimus,” adding, “hoc est, de circumcissione;” and also one from Prudentius, “Post inscripta oleo frontis signacula,” explaining it of the sign of the Cross, a mere outward ceremony, which would properly be called “*signaculum*,” while Baptism itself, the Sacrament, would be “*signum*.”

from the spurious, and entered at great length into the history of this father. My quotation is from a treatise which is considered to be genuine; and although there may be some who think, notwithstanding the labours of the editors, that these works are erroneously attributed to St. Zeno, there can be no doubt that they are of great antiquity, and probably belong to the age in which it is supposed that St. Zeno flourished.

Here then we have in the Article the word "*signa*," a word of peculiar theological signification; and we have with it an express declaration that these "*signa*" are "*efficacia*," and that *by them, by their means*, the Almighty *actually*, though invisibly, *works in or upon us*, "*per quæ Ipse in nos operatur*,"—performs a real work, the work of grace, the work of his favour and his blessing, the work of kindling and of confirming our faith. The Article then distinguishes the two Sacraments of Baptism and the Lord's Supper from all others, and then proceeds to say,—

"Sacramenta non in hoc instituta sunt a Christo, ut spectarentur aut circumferrentur, sed ut rite illis uteremur, et in his duntaxat qui digne percipiunt, salutarem habent effectum; qui vero indigne percipiunt, damnationem (ut inquit Paulus) sibi ipsis acquirunt."

Assuming that this passage is applicable to both Sacraments, it certainly treats them as much more than mere signs—as solemn ordinances which cannot be tampered with—as instruments which, if they do not produce a good effect, operate no less than damnation.

Then comes the 27th Article, on Baptism itself:—

"Baptism is not only a sign of profession, and mark of difference whereby Christian men are discerned from others that be not christened, but it is also a sign of Regeneration or new birth, whereby, as by an instrument, they that receive Baptism rightly are grafted into the Church, the promises of forgiveness of sin, and of our adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed, faith is confirmed, and grace increased by virtue of prayer unto God."

"Baptismus non est tantum professionis signum ac discriminis nota, quâ Christiani a non Christianis discernantur, sed etiam est *signum regenerationis, per quod, tanquam per instrumentum*, recte baptismum suscipientes ecclesiæ inseruntur, promissiones de remissione peccatorum atque adoptione nostrâ in filios Dei per Spiritum Sanctum visibiliter obsignantur, fides confirmatur, et vi divinæ invocationis gratia augetur."

Now this is a positive declaration of regeneration as the immediate effect of Baptism. The regeneration is referred

expressly to the Baptism; the Baptism is declared to be the "*instrumentum, per quod*" the benefits usually understood to be conferred by Baptism are conferred on the persons who rightly receive it. It is not merely that it is "*signaculum*," but it is "*signum* regenerationis;" and not merely "*signum*," as a bare sign or evidence of the gift, but "*signum per quod, tanquam per instrumentum*," all these benefits are actually conveyed: the active operation of Divine Grace is distinctly stated as annexed to the Sacrament itself; the Sacrament is declared to be the very instrument and channel by which the grace is conferred. Not one word is said of any other means or any other channel,—as to grace before it—" *prevenient grace*," that we have heard spoken of lately—or anything else; but the benefit of regeneration is expressly referred to Baptism alone by this particular Article. The Article relates to Baptism and to no other subject, and applies immediately to that Sacrament, and to its particular effects, that very language which the previous Article had used generally with reference to both Sacraments. The 25th Article had asserted of the Sacraments generally, that they are "*efficacia signa gratiæ*." The 27th shows in the case of Baptism what *this* "*efficax signum*" particularly effects. Now there surely is no more reason for separating the immediate and direct spiritual operation of the Sacrament of Baptism from the actual reception of the Sacrament, than there is for separating the spiritual operation of the Sacrament of the Lord's Supper from the reception of that. The Articles certainly make no such distinction; and all persons admit that he who rightly receives the Lord's Supper receives at once the grace and benefit of that holy Sacrament. Nobody ever dreamed of the grace and efficacy of the Lord's Supper being subsequent or prior; and as it is in and by the due reception of the Sacrament that the grace is obtained in the one case, so it is in and by the due reception of it that the

grace is obtained in the other; there is no difference of character, in this respect, assigned to the two Sacraments—the Church assimilates the two—there is no postponement of the benefit of either, where the party comes worthily, but whatever be his age, if he comes in the manner which the Church requires to the Sacrament to which he seeks admission, he receives at once and without delay, according to the doctrine of the Church, the full benefit of that Sacrament.

The Article on Baptism then goes on:—

“The Baptism of young children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.”

“*Baptismus parvulorum omnino in Ecclesiâ retinendus est, ut qui cum Christi institutione optime congruat.*”

Now I apprehend, my Lords, that this is a complete proof of what is the law and doctrine of the Church on the subject of Infant Baptism; and that it carries out completely the position for which I contend, that the Articles themselves contain, clearly and indisputably, this very doctrine which is now brought in question before your Lordships: because there is no distinction, you will observe, in the Articles, but that of those who receive “worthily,” and of those who receive “unworthily”—there is no third class of receivers—if the party does not receive the Sacrament “worthily,” he receives it “unworthily;” and therefore, if the Baptism of Infants is “*omnino in Ecclesiâ retinendus, ut qui cum Christi institutione optime congruat,*” it follows, as a matter of course, that the children who are so baptized receive at once the full benefit of the Sacrament—because it would be quite impossible to contend, after stating what are the effects of Baptism, how it operates, and what inestimable benefits are conveyed by it, “*tanquam per instrumentum,*” to every person rightly receiving it, that the Article, when it uses such strong language respecting the Baptism of

Infants, as being most in accordance with our Lord's institution, does not treat infants as peculiarly worthy receivers; —I say that it is perfectly absurd, after this, to pretend that the Articles, upon any plain and fair construction of them, do not positively assert that Infants receive, in and by Baptism, all those spiritual benefits which are conveyed to worthy receivers. If they do not, the Articles are inconsistent, and this very Article becomes inconsistent with itself; for after having set forth all the advantages of Baptism to those who rightly receive it, it concludes by saying, not merely that the Baptism of Infants is to be retained in the Church, but that "*cum Christi institutione optime congruat*"—that it agrees better than any other, best of all, with the institution of Christ. Now it cannot do that, if the benefits are not those which the Article has stated before, nor could the assertion be true, if the Baptism did not directly convey to the Infant that Regeneration of which Baptism has just been declared the "*efficax signum*"—the very "*instrumentum*." The Infant cannot possibly be an unworthy receiver, if his Baptism "*cum Christi institutione optime congruat*." There is therefore in his case no hindrance or drawback at all; and if there is not, then the benefits are conveyed immediately; for the Articles, as I have already stated, treat the effects of the Sacraments as immediate. There is nothing to show that the case is different with respect to Infants from what it is with others; and if an adult, coming worthily, receives the grace and benefit of the Sacrament at once, an Infant, who comes worthily as being an Infant, whose Baptism is most agreeable to the institution of Christ, receives in like manner, at once and completely, the same grace and benefit, regeneration and remission of sin.

It follows, therefore, that the Articles themselves declare, that Infants are regenerated in and by Baptism—any other

interpretation would do violence to their meaning, and contradict their language—and I think the argument would be complete, if it rested upon these two alone, for it would evidently be nothing less than a contradiction to assert, that these Articles, which declare generally that certain effects are worked, and graces conveyed, by the Sacraments, as instruments, in the case of all worthy receivers, and that Infants are peculiarly such in the highest sense, and that Regeneration particularly is one of the effects and graces of the Sacrament of Baptism, yet do not mean that Infants are regenerated thereby, or that Regeneration is annexed to their reception, when there is no other ordinance and no other means by which it is declared to be conveyed. But independently of these, there are other Articles which refer to this subject of Regeneration; there is the 9th, on Original Sin, wherein, after stating the nature of Original Sin, it is said—

“Unde in unoquoque nascentium iram Dei atque damnationem meretur.”

Then it adds:—

“Manet etiam in renatis hæc naturæ depravatio.”

In the English, it is,—

“And this infection of nature doth remain, yea in them that are regenerated.”

Now I know of no Regeneration in the Articles except by Baptism; and therefore as “Regeneration” is always spoken of in connexion with Baptism, by “renatis” and “regenerated” must be meant regenerated in Baptism; then in the latter part it says,—

“Although there is no condemnation *for them that believe and are baptized*, yet the Apostle doth confess that concupiscence and lust hath of itself the nature of sin.”

The Latin is,—

“Et *quanquam renatis et credentibus* nulla propter Christum est condemnatio, peccati tamen in sese rationem habere concupiscentiam fatetur Apostolus.”

The translation therefore, “them that believe and are baptized,” must be understood to express the meaning of the words “renatis et credentibus;” and it is to be particularly observed that the word “renatis,” which was translated before, in the same Article, *regenerated*, in the latter part of the Article is translated “*baptized*.” So that according to the understanding of those to whom we owe the authorized translation, “regenerated” and baptized” mean the same thing—Regeneration and Baptism are convertible terms—the one is put for the other—we have no notice of Regeneration except by Baptism, and we have here the same word “renatis” translated in the same Article by the two words “regenerated” and “baptized,” to prove the identity of meaning—surely this is no trifling fact.

That is the 9th Article—now in the 15th, “Of Christ alone without sin,” we have,—

“He came to be the Lamb without spot, who by sacrifice of Himself once made, should take away the sins of the world; and sin, as St. John saith, was not in Him. But all we the rest, although *baptized and born again in Christ*, yet offend in many things.”

The Latin is,—

“Sed nos reliqui, etiam baptizati, et in Christo regenerati”—

clearly referring Regeneration again to Baptism.

Then there is the next Article, which is the 16th; and that is very much to the point. Its title in English is, “Of Sin after Baptism,” and it says,—

“Not every deadly sin willingly committed after Baptism is sin against the Holy Ghost and unpardonable; wherefore the grant of

repentance is not to be denied to such as fall into sin after Baptism. After we have received the Holy Ghost" (that is, I apprehend, received in Baptism), "we may depart from grace given, and fall into sin, and by the grace of God we may arise again and amend our lives. And therefore they are to be condemned which say, they can no more sin as long as they live here, or deny the place of forgiveness to such as truly repent."

The Latin is,—*"De Peccato post Baptismum :"*—

"Non omne peccatum mortale, post Baptismum voluntarie perpetratum, est peccatum in Spiritum Sanctum et irremissibile. Proinde lapsis a Baptismo in peccata locus penitentiae non est negandus. Post acceptum Spiritum Sanctum possumus a gratia datâ recedere atque peccare, denuoque per gratiam Dei resurgere, ac resipiscere; ideoque illi damnandi sunt, qui se quamdiu hic vivant, amplius non posse peccare affirmant, aut verè resipiscentibus veniæ locum denegant."

Now it is evident from this Article, that it is the reception of the Holy Spirit *in Baptism* which raises the whole question there referred to—as it is in Baptism that the Holy Spirit is conveyed, the falling away after Baptism becomes the grievous sin. This Article, therefore, distinctly connects the gift of the Holy Ghost with Baptism, as one of its privileges, for if it does not, it can have little or no meaning, and if this gift is conveyed in Baptism generally, and is one of the effects of Baptism, it must be so in infants as well as in adults. It assumes, therefore, that infants are worthy receivers, their's being commonly the age at which Baptism is administered; and so far from there being any distinction in the Articles anywhere, between the benefits which they receive and those to which adults are entitled, they are expressly declared to be peculiarly fit objects for the blessings of this holy rite.

Can there be a doubt, therefore, that the Articles do plainly and fully contain the doctrine in question? that infants do become at once partakers of the gift of the Holy

Ghost, of spiritual regeneration and of remission of sin, in and by Baptism, by the mere fact of their admission to this Sacrament? can there be a doubt that if this case rested upon the Articles alone, they might be appealed to as direct and incontrovertible evidence of the mind of the Church of England on this subject? If “the Baptism of Infants is by all means to be retained, as most agreeable with the institution of Christ,” does it not follow that they obtain, as a matter of course, whatever privileges the Articles show to be annexed to the worthy reception of the ordinance? Unless you set aside the common principles of interpretation, nay, the very suggestions of common sense, this must be the teaching of the Articles.

Your Lordships are aware that I am taking the Articles simply upon their plain and literal meaning, following out those ordinary rules of interpretation which I should resort to in construing an Act of Parliament, or any other document that was before me, and I repeat that you cannot come to any other conclusion, without doing violence to their statements, without incorporating into them something which they do not contain, or separating from them something which to a plain understanding they naturally and obviously import—you have “baptized” and “regenerated”—used in some of these Articles as convertible terms; you have the full benefits of Baptism declared to be given at once to the parties who rightly receive it; you have those benefits specified; you have the Baptism of Infants particularly recommended; and you have all this without any qualifications, plain and express statements, or clear and necessary implications, and each Article on this subject consistent with the others—some more, some less explicit—but all conveying the same meaning, all supporting the same truth.

My Lords, my learned friend Mr. Turner referred to the Royal Declaration prefixed to the Thirty-nine Articles, which

requires them to be taken in their “plain, literal, and grammatical sense ;” and although I do not attach to that instrument the value which my learned friend put upon it, (for he stated that it was part of the Prayer Book, which it certainly is not ;) nor indeed any positive authority in point of law ; I am perfectly ready to abide by it on this question, and indeed the rule which it gives is the only rule which I contend for, the mode of construing the Articles which it requires is the foundation of my argument here, because, as so much stress has been laid upon the Articles, as the sole standard of doctrine in the Church of England, though I do not admit this position, I have been anxious to show that this very standard proves the unsoundness of the argument which has been raised upon it.

Well, my Lords, I will now assume, that the Articles do not come up to the point to which I believe that I have brought them. I will suppose, for the sake of argument, that they do not thus fully enunciate the doctrine of the baptismal regeneration of infants, and that I must look, as I have already shown that I am entitled to look, to the book of Common Prayer, to explain a doctrine which the Articles have left uncertain. What shall we say then to the Prayer Book ? can there be any possibility of doubt upon the mind of any human being who opens that volume, what is the declared doctrine of the Church of England on this subject ? Now let us examine the formularies—we have five that apply to this question—we have three offices of Baptism, we have the Catechism, and we have also the office of Confirmation ; and it seems difficult to understand how any person can read those forms, without at once recognizing a plain enunciation of this doctrine. If the doctrine of the baptismal regeneration of infants is not clearly taught by these formularies, if this is not doctrine fully and positively declared by the Church of England, I know of no doctrine of the

Church of England which is declared—if that Church is to be supposed not to have expressed its meaning here, then I will say that there is no doctrine at all in the Church of England. She seems to have taken more particular pains to prevent misunderstanding on this subject than any other. There is no doctrine in the Prayer Book (to say nothing now of the Articles) more distinctly put forward than this, perhaps none so distinctly; and if these formularies are to be regarded at all, if their language means any thing, there cannot be one moment's question about it.

Now first, in the office of Public Baptism of Infants, we have it broadly stated in the address that,—

“All men are conceived and born in sin, and that our Saviour Christ saith, ‘none can enter into the kingdom of God except he be regenerate and born anew of water and of the Holy Ghost;’”

referring clearly to water and the Holy Ghost as the means of regeneration. Then, grounded upon this position, as a plain statement of a particular doctrine, comes the direction which is given to the congregation—

“to call upon God the Father, through our Lord Jesus Christ, that of His bounteous mercy He will grant to the child that thing which by nature he cannot have, that he may be baptized with water and the Holy Ghost, and received into Christ's holy Church, and be made a lively member of the same.”

Can there be any doubt, even upon this alone, what is the view of the Church on this matter? Then follows a prayer, referring to the types of the Old Testament, and to our Lord as sanctifying water to the mystical washing away of sin; and the supplication that Almighty God will

“mercifully look upon the child—that He will wash him and sanctify him with the Holy Ghost, that He, being delivered from God's wrath” (that is, of course, by the means then resorting to), “may be received into the ark of Christ's Church; and being stedfast in faith, joyful

through hope, and rooted in charity, may so pass the waves of this troublesome world, that finally he may come to the land of everlasting life, there to reign with God world without end, through Jesus Christ our Lord."

So that this prayer follows out what was stated in the previous exhortation; then comes another, which uses language equally express;

"We call upon Thee for this infant, that he, *coming to Thy Holy Baptism, may receive remission of his sins by Spiritual regeneration.*"

Can words be framed more explicit to show the doctrine of Regeneration by Baptism? Can language show more directly that Spiritual regeneration is obtained by means of Baptism, "*tanquam per instrumentum*," as the Articles say? Then the prayer concludes, "that this infant may enjoy the everlasting benediction of God's heavenly washing, and may come to the eternal kingdom, which He has promised by Christ our Lord."

Then follows the gospel; and founded on the gospel is a very remarkable exhortation, which applies very much to the doctrine of Mr. Gorham;—

"Ye hear in this gospel the words of our Saviour Christ, that He commanded the children to be brought unto Him, how He blamed those that would have kept them from Him, how He exhorteth all men to follow their innocency. Ye perceive how by His outward gesture and deed He declared His good will towards them, for he embraced them in His arms, He laid His hands upon them, and blessed them. Doubt ye not, therefore, but earnestly believe, that He will likewise favourably receive this present infant; that He will embrace him with the arms of His mercy, that He will give unto him the blessing of eternal life, and make him partake of His everlasting kingdom."

All this is important, as showing how the Church regards the situation and position of infants; it considers them as at once, from their mere infancy, from their innocency and helplessness, the proper subjects of Baptism. Taking the words

and actions of our Lord which have been referred to, it fully corresponds with the language of the Article, which, as we have seen, declares the baptism of infants to be "most agreeable with the institution of Christ." There is no doubt raised at all, that our Lord will favourably receive the infant brought in this way; there is nothing shown, but the helplessness and innocency of the infant, to make him a fit subject for baptism. There is no other claim to it, no other qualification required—no allusion to "prevenient grace," as expected by the Church, or as taught by the example in the gospel. A petition then follows, (with reference of course to the service then entered upon, and which is to be completed by baptism,) "that the infant may be born again, and be made an heir of everlasting salvation;" unless this is to be the effect of the rite, the prayer would have no application. Then comes the exhortation, which refers to the prayers that have been made, that our Saviour would receive the infant, (meaning therefore that baptism is his admission to the privileges of the gospel;) that He would release him from his sins, (thus marking baptism as the means of remitting original sin, for the infant could have no actual sins;) that he would "sanctify him with the Holy Ghost," (showing that this is the gift of baptism;) and lastly, that our Lord would give the infant the kingdom of heaven and everlasting life, (that being the reward of final perseverance, to which baptism gives the original title.) Then come the sponsions, and the prayers which follow them, referring expressly to this doctrine of regeneration.

"Grant that the old Adam in this child may be so buried, that the new man may be raised up in him. Grant that all carnal affections may die in him, and that all things belonging to the Spirit may live and grow in him. Grant that he may have power and strength to have victory, and to triumph against the Devil, the world, and the flesh."

Then we have the prayer for the sanctification of the water, which also strongly expresses the doctrine of Regeneration in Baptism ; a prayer for which there is very ancient authority in the Church, as we shall see hereafter.

“Regard, we beseech Thee, the supplications of thy congregation ; sanctify this water to the mystical washing away of sin, and grant that this child, now to be baptized therein, may receive the fulness of thy grace, and ever remain in the number of thy faithful and elect children.”

Of course, the water being to be sanctified for this purpose, the prayer distinctly refers the benefits of Baptism, the reception of grace, and the fullness of that grace, to the fact of the child being duly baptized therein.

Then occurs the Baptism itself, and afterwards the reception, and signing with the sign of the cross ; and what follows?—

“*Seeing now that this child is regenerate*, and grafted into the body of Christ’s Church, let us give thanks unto Almighty God for these benefits, and with one accord make our prayers unto Him, that this child may lead the rest of his life according to this beginning.”

What can be more clear therefore than this, that inasmuch as the congregation have prayed before, and duly fulfilled the commands of our Lord, and the order of His Church in this respect, the child is regarded by the Church as regenerated *by the mere fact of Baptism* ? The prayer was, that that might be the effect, that the child might be regenerated *by being baptized*—it is baptized, and then the Church immediately declares that the infant actually “*is regenerate*.” Is it possible that any thing can more plainly or more positively prove what is the sense entertained by the Church of the effect of this ordinance ? If this is not sufficient evidence of her meaning, I know not what can be.

But this is not all—for, as if to cut off all possibility of

cavilling, and to make the congregation by their own mouths testify this truth, we have lastly the thanksgiving required to be made by them in these words ;—

“ We yield Thee hearty thanks, most merciful Father, that it hath pleased Thee to regenerate this infant with Thy Holy Spirit, to receive him for Thine own child by adoption, and to incorporate him into Thy Holy Church.”

So that there the benefit of regeneration, the benefit of adoption, the benefit of incorporation into the Church, are specified, and, in words which cannot be evaded, directly referred to Baptism, and to Baptism alone ; completely tallying with the Articles, which assert that these blessings are conveyed by Baptism, “ *tanquam per instrumentum*,” and that the admission of infants to this rite “ *cum Christi institutione optime congruat*.”

I cannot conceive language more explicit and more precise to put the doctrine of the Church beyond the possibility of doubt.

What I have read is the substance on this point in this particular service. The next in order is the office of “ Private Baptism,” which is very remarkable ; because the variation in the phraseology which is adopted, points (if possible) more completely to the doctrine for which I am contending ;—first there is the Baptism itself,—and this service is important in many ways, because, independently of the doctrine in question, it shows what the Church regards as the essentials of Baptism ; and that these are comprehended in the administration of the water, in the name of the Father, of the Son, and of the Holy Ghost. It shows that sponsors are not of the essence of Baptism,—that signing with the sign of the cross (as stated in the 30th canon) is no more than a ceremony of the Church, and is not of the essence of Baptism ; that all that is essential is, as we shall see from

the questions which occur in this service, the element of water and the use of proper words ; these being sufficient to confer on the infant the full benefit of the sacrament, the nature of which we have already seen. First then there is the Baptism itself—and immediately afterwards we find this prayer of thanksgiving ;—

“We yield Thee hearty thanks, most merciful Father, that it hath pleased Thee to regenerate this infant with Thy Holy Spirit, to receive him for Thine own child by adoption, and to incorporate him into Thy Holy Church ; and we humbly beseech Thee to grant that as he is now made partaker of the death of Thy Son, so he may be also of His resurrection, and that finally, with the residue of Thy saints, he may inherit Thine everlasting kingdom.”

Thus the regeneration of the child is declared to be effected by the mere administration of the water in the name of the Holy Trinity—and we have here, as we had before, the thanksgiving for spiritual regeneration as then conferred, with the remarkable expression, which treats the benefit of Baptism as annexed to the rite thus administered, “as he is *now* made partaker of the death of Thy Son.”

The child is afterwards directed, but as a matter of order only, and not of necessity, to be brought to the Church, that there may be the public pledges given, and that the congregation may be certified of the way in which the Baptism has been administered,—and what are the questions which are put ? it says,—

“Because some things essential to this sacrament may happen to be omitted through fear or haste in such times of extremity, *therefore* I demand further of you, with what matter was this child baptized ? With what words was this child baptized ?”

So that the *matter* and the *words* are the only essentials of Baptism, just as we have seen before, at the commencement of the service, that as soon as these have been applied to

the infant, thanks are returned to the Almighty for regenerating him with His Holy Spirit, and admitting him into His Holy Church.

Then comes the certificate, to which I wish to call particular attention ;—

“I certify you, that in this case *all is well done, and according unto due order, concerning the baptizing of this child*, who, being born in original sin and in the wrath of God, *is now, by the laver of regeneration in Baptism, received into the number of the children of God, and heirs of everlasting life* ; for our Lord Jesus Christ doth not deny his grace and mercy unto *such* infants, but most lovingly doth call them unto Him, as the Holy Gospel doth witness to our comfort on this wise.”

Therefore “by the laver of regeneration in Baptism,” the Church declares the child is regenerated, made a child of God, and an heir of everlasting life,—all is declared to have been well done, by the mere administration of the sacrament with the proper element and proper words ; and we are told that “our Lord Jesus Christ doth not deny His grace and mercy (that is, the grace and mercy of the sacrament, and the benefit conveyed thereby) unto such infants ;” that is, infants “born in sin and the children of wrath,” having nothing to recommend them beyond their natural condition, no “*prevenient grace*,” no such adventitious qualification, and it is to *such* children that our Lord’s institution is declared particularly to belong, and to whom the benefits of regeneration and adoption are fully and immediately conveyed.

Then the exhortation alludes to our Lord’s conduct to the children that were brought to him. The Church has in every age, and in most of the Baptismal services that remain from ancient times, referred to this, as one of the principal grounds on which it justifies the bringing of infant children to be baptized, considering that their mere help-

lessness and freedom from actual sin authorize them to be admitted to the Christian covenant, and that no further qualification is requisite. This differs entirely from the case of adults; they being required to have “faith and repentance;” graces which infants cannot have. Infants, therefore, are received on the faith of those that bring them, or “on the faith of the Church,” as I believe St. Augustine has stated. We are then instructed not to doubt, but earnestly to believe, that our Lord *hath* favourably received the infant so baptized; that He *hath embraced* him with the arms of His mercy, and will (of course on his perseverance in his Christian calling) “give him the blessing of eternal life.” So that here again we are thrown back upon the Baptism itself in its simplest form of administration, as that which has already conferred the benefits. The prayer which follows says,—

“Give Thy Holy Spirit to this infant, that he, *being born* again,” (that is, therefore, by the Baptism—for the whole relates to this,) “and *being made*” (namely by Baptism) “an heir of everlasting salvation, through our Lord Jesus Christ, may continue Thy servant and attain Thy promise;”

that is, that the “grace of perseverance” may be given to him, as a supplement to the blessings conveyed by Baptism.

The Priest is then directed to say :

“Seeing now, dearly beloved brethren, that this child *is by Baptism regenerate and grafted into the body of Christ’s Church*, let us give thanks unto Almighty God for these benefits.”

Surely, if words have any meaning, these assert that Baptism, and that alone, has been the means of regeneration and adoption—and the form here is more remarkable, because in the corresponding address in the office of Public Baptism, which we have examined, the words, “by Baptism,” were

omitted, not being necessary there, where the rite was being administered, but being important here, that the regeneration might be exclusively referred to the previous administration in private. Then the thanksgiving is to the same effect.

“That it hath pleased Thee to regenerate this infant with Thy Holy Spirit, to receive him for Thine own child by adoption, and to incorporate him into Thy Holy Church.”

So that this whole service proceeds upon the ground, that the child became partaker of all the privileges of a Christian by the sacrament previously administered.

The same doctrine is contained in the order of Confirmation, and I would call your Lordships’ attention to that office *now*, because it connects itself more immediately with the services which we have just considered, and becomes, as it were, a supplement to them. Now the very first prayer asserts the doctrine in question, for it begins with these words :

“Almighty and everliving God, who hast vouchsafed to regenerate these Thy servants by water and the Holy Ghost, and hast given unto them forgiveness of all their sins—”

And then it proceeds to supplicate for them the seven-fold gifts of the Holy Spirit. To Baptism, therefore, again are referred regeneration and remission of sin ; and it is in consequence of those effects, and to enable the party, who has received these benefits, to fulfil his obligations, that the rite is administered.

We are now of course upon the subject of Baptismal Regeneration of Infants—for that of Adults forms no part of this inquiry ; but before I pass to the Catechism, which is a most important element in this argument, I would refer your Lordships for a moment to the office of “ Baptism of

such as are of Riper Years," because there the form, although it distinctly recognizes regeneration as the immediate effect of Baptism, yet is qualified in this way, that it requires the adult to have "faith and repentance," in order to his receiving the full benefit of the sacrament, remission of sin, and the gift of the Holy Ghost. If he comes with these requisites, he does receive by the Baptism itself, "*tanquam per instrumentum*," all the blessings annexed to the rite—and being instructed in his duty beforehand, and the Church having ascertained, as far as possible, that he has the necessary qualifications, she declares that he is thereby made partaker of all the privileges of the Gospel. This service therefore throws light on those which we considered before—for here certain conditions are required, as necessary to enable the person baptized to receive all the blessings which belong to Baptism: in the others they are not required, because an infant cannot have faith or repentance—but still he is declared to have the blessings, as fully as the adult can have them with his faith and repentance. In each case the Church clearly annexes the regeneration of the person baptized to the Baptism itself, and shows in this, as in its other offices, that it is only in and by the Baptism that regeneration is obtained.

Then comes the Catechism, the first instruction that is to be taught to the child after Baptism, and in order to teach him the very nature of the sacrament, which has been administered to him; the second question is:

"Who gave you this name?"

"Answer.—My godfathers and godmothers, in my baptism, wherein I was made a member of Christ, the child of God, and an inheritor of the kingdom of heaven."

Baptism therefore was the means by which all these benefits were conveyed. There are no other means which we know of, which could convey them to the infant,

Baptism being the means instituted by our Lord himself ; and thus the very commencement of the Catechism shows that the infant receives these benefits in and by the sacrament, just as we had it stated in the Formularies and Articles before.

The child is then instructed in what was promised for him by his sponsors, and then he is taught to pray to God, “to give him grace, that he may continue in the same unto his life’s end”—implying of course that he might fall away, as we clearly know that he may, and that it is for him, with the aid of Divine grace, to work out his salvation.

This was the original part of the Catechism—that which was always there.—Now let us turn to the latter part, which was added after the Hampton Court Conference ; and here we have the nature of the sacrament more particularly explained ; we find a definition of a sacrament—

“An outward and visible sign of an inward and spiritual grace given unto us, ordained by Christ himself, as a means whereby we receive the same, and a pledge to assure us thereof.”

All precisely tallying with all we have seen before of the Articles and Formularies, and showing Baptism to be the instrument by which the Child has received the benefits already mentioned.

Now, my Lords, a point was made, and some importance apparently attached to it, from a remark which fell from the Right Reverend Prelate whom I see before me, with reference to the comma printed in this answer. It was said that there was originally a comma inserted in one place, and omitted in another, which seemed to raise a doubt as to what the words “*given unto us*,” agreed with ; and it was supposed that they agreed with “sign,” and not with “grace,”—it was not the grace given unto us, but the sign, and some stress was laid upon it, I believe, on the other

side. I cannot say that I think much of it, because, whichever way the sentence is pointed, it is to be looked at altogether—"the outward and visible sign of the inward and spiritual grace" is said to be the "means whereby we receive the same, and a pledge to assure us thereof." It was observed that the Latin translation was "*per quod*," referring to "signum," and that the comma ought to be so placed as to make the words "given unto us," agree with "sign," and not with grace. My Lords, I have inquired a little into this matter; and I happen to have some old translations of the Prayer Book—older than that which was upon the table the other day, which I believe is well known to be very incorrect :

THE BISHOP OF LONDON.—Incorrect on several points.

MR. BADELEY.—And these old ones show how the sentence should be. Through the kindness of a gentleman connected with Merchant Taylors' School, I have here a translation of the Catechism which is used at that school; it was printed in the year 1768; but it is understood to have been made much earlier, and probably was used in the school, in its present form, soon after the Catechism was completed, and promulgated by proper authority; possibly it may have been made under the authority of the Crown.—It is this:—

"Q.—Quid intelligis per vocem istam Sacramentum?"

"R.—Externum et visibile signum intelligo internæ et spiritualis gratiæ, quæ nobis datur, ab ipso Christo institutum, tanquam medium quo eam recipimus, et arrabonem ad nos de eâ certos faciendos."

I have also a Latin Prayer Book, which was printed in 1733; and in this it is—

"Externum volo et aspectabile signum internæ et spiritualis gra-

tiæ nobis collatæ, ab ipso Christo institutum, tanquam medium quo eam adipiscimur, et pignus certitudinis nos eam adeptos esse."

Here it is "collatæ," agreeing with "gratiæ," and not collatum, agreeing with "signum." I have besides an old Greek translation of the Prayer Book, which shows the same thing: it was printed by Field, at Cambridge, in 1665 or 1666, very early after that part of the Catechism was drawn up.

Now the answer in the Greek is this,

"ἐννοῶ τὸ ἐκτὸς καὶ ὁρατὸν τῆς ἔσω καὶ πνευματικῆς χάριτος ἡμῶν δοθείσης σημεῖον, τὸ ὑπ' αὐτοῦ τοῦ Χριστοῦ διαταχθέν, ὡς ὄργανον δι' οὗ ἐπιτυγχάνομεν αὐτῆς, καὶ ἐνέχυρον ἡμῶν αὐτὴν βεβαιῶσαι."

So that there it is "δοθείσης," agreeing with "χάριτος," and not agreeing with "σημεῖον."

That is evidence, at all events, of the way in which the sentence was understood at a very early period—the Greek corresponding with the Latin.

But the matter need not rest there; for there is a French translation of the Prayer Book, which is as old as 1616, printed by the King's printer. The answer in this translation is—

"J'entends un signe extérieur et visible d'une grâce intérieure et spirituelle, qui nous est donnée; signe que Jésus Christ lui-même a institué, comme un moyen par lequel nous recevons cette grâce, et comme un gage pour nous en assurer."

Here "donnée" is feminine, agreeing with "grâce," and not with "signe," which is masculine.

There is also another translation, which is not so old, but it is rather curious: it is a Spanish translation, printed by Bowyer in 1715. It is to the same effect.

"Yo entiendo un signo externo y visible de una gracia interna y espiritual dada á nosotros," &c.

So that in all these translations, made at different times, and some very close upon the first drawing up of this portion of the Prayer Book, you have the words "given unto us" uniformly applied to *grace* and not to *sign*; and therefore I imagine this will sufficiently dispose of the objection attempted to be raised upon the comma, as these show pretty clearly where the comma was originally placed.

Let us proceed, then, my Lords, with the Catechism:—"The outward and visible sign" is declared to be the means whereby we receive "inward and spiritual grace"—precisely in accordance with the Articles, precisely in accordance with the Formularies. And in the answer afterwards to the question, "What is the inward and spiritual grace?" we are told—

"A death unto sin and a new birth unto righteousness, for being by nature born in sin and the children of wrath" (the very language used in the Baptismal Service), "we are *hereby* made the children of grace."

Thus the "being made the children of grace" is attributed entirely to the sacrament, as the only means by which it is effected; and therefore we have no right to say, that either in this, or in any of the Formularies of the Church, is there any difference from the Articles; but they all combine in teaching the same truth; and whether the Articles, the Services, or the Catechism be consulted, they all harmonise, and declare most plainly that it is in and by the administration of Baptism, neither before nor after, that the regeneration, the pardon of sin, the adoption, and sanctification of the infant are fully and effectually accomplished. The infant presents no "obex," no hindrance, to the grace and efficacy of the sacrament: he is therefore a worthy recipient, and as such must necessarily, according to the truth of God's promises, obtain the blessing. The Homilies carry out the same view. There is a passage which quite

corresponds with it in the Homily of Common Prayer and Sacraments :—

“Now with like, or rather more brevity, you shall hear how many sacraments there be that were instituted by our Saviour Christ, and are to be continued and received of every Christian in due time and order, and for such purpose as our Saviour Christ willed them to be received. And as for the number of them, if they should be considered according to the exact signification of a sacrament—namely, for the visible signs, expressly commanded in the New Testament, *whereunto is annexed* the promise of free forgiveness of our sins, and of our holiness and joining in Christ, there be but two—namely, Baptism and the Supper of the Lord. For although absolution hath the promise of forgiveness of sin, yet by the express word of the New Testament it hath not this promise *annexed and tied to the visible sign*, which is imposition of hands. For this visible sign (I mean laying on of hands) is not expressly commanded in the New Testament to be used in absolution, as the visible signs in Baptism and the Lord’s Supper are; and *therefore* absolution is *no such sacrament* as Baptism and the Communion are. And although the ordering of ministers hath this visible sign and promise, yet it lacks the promise of remission of sin, as all other sacraments besides the two above named do. Therefore neither it, nor any other sacrament else, be such sacraments as Baptism and the Communion are.”

So that here by the declaration of the Homily, affirmed, as the Homily is, by the Articles themselves, and therefore to a certain extent incorporated with them, we have the promise of forgiveness of sin “annexed and tied to the visible sign”—a strong expression—and we have this annexation of the inward and spiritual grace to the outward and visible sign, taken as the mark and characteristic excellence of Baptism and the Eucharist, as Sacraments.

Now, my Lords, it seems to me extremely difficult, after all this, to say that, either by the Articles or by the Formularies of the Church, the doctrine of the Baptismal regeneration of Infants is not most clearly and fully developed. I do not know what words could express it if these do not;—and you have at last the Catechism, the Instruction ex-

pressly required, both by Statute and by Canons, to be given by every Clergyman to the young members of his congregation publicly in the Church—they are to be taught this, in order that they may understand the very nature of the Sacraments,—as the Prayer Book and the Articles explain them—for a Clergyman is, undoubtedly, bound by these, as his rule in his teaching and catechising; he can go by no other; and if he does go by these, he must tell them, not only that Regeneration generally is conveyed by Baptism, but that in each and every one of those, who have been brought to this Sacrament, this change has been wrought; for it is impossible to doubt that this is the case universally with every infant, because there is no exception: the Baptism of *all* Infants is declared to be “most agreeable with the institution of Christ;” all alike have need of it, all are alike incapable of Faith or Repentance. The offices of the Church are to be used for each Infant that is so brought, without any distinction; all are alike considered entitled to the same benefit, and of each it is pronounced that he receives it; there can be no distinction between them—no question whether one has “prevenient grace” or another: no such doctrine is once heard of;—“prevenient grace” is not mentioned in the Articles, in the Formularies, or in the Catechism; we know nothing about it; on the contrary, the Articles as far as they go, and the Formularies themselves, plainly show, that children born in original sin are actually under the curse and the penalty of sin, when they are brought to the Church—they are all in that state, and they are brought for the very purpose of being released from it, and put into a new state, a state of grace, by Baptism; and as soon as they are baptized, the Church returns thanks for this very change, which has been then and thereby effected.

LORD CAMPBELL.—How old is the expression “prevenient grace”?

MR. BADELEY.—I do not know ; “prevenient grace” I never heard of, as connected with Baptism, before. We have in the Articles, and elsewhere, the term “preventing grace,” which I suppose means the same thing ; but the particular expression, “prevenient grace,” I do not remember to have seen in any English writer ; and the doctrine on the subject in Mr. Gorham’s book does not appear to me to be Roman, or Anglican, or Catholic, or Protestant, or anything else.

THE VICE-CHANCELLOR.—Does not the expression occur in theological writings ?

MR. BADELEY.—Possibly it may, but it is remarkable that there is only one occasion where anything like it is spoken of in the Articles, and then it is with reference entirely to another subject. Not a word is said about it in Baptism. The whole service of Baptism goes on the presumption that the infant is in original sin—has had no prevenient grace,—is in a state of nature—and that it is brought to the Church in order to be put into a state of grace.

LORD CAMPBELL.—Which takes place by Baptism alone ?

MR. BADELEY.—Which state is produced by Baptism alone.

LORD CAMPBELL.—I do not mean in the slightest degree to interrupt your argument, but I should be very glad to hear by-and-by what is the distinction between that and the “*opus operatum*” of the Roman Catholic Church.

MR. BADELEY.—I had not forgotten the subject of the

“*opus operatum*,” and I may as well advert to it now. The term “*opus operatum*,” I apprehend, is one which has been very much misunderstood; and it was evidently misunderstood at the time of the Reformation; for we find, in many writers of that period, different meanings given to it. By some it seems to have been understood, as if the outward act conferred grace, independently of the Divine agency; by others, as if the Sacraments conferred grace, rather through the act of the minister than the operation of the Holy Spirit,—while the greater number regarded them, as conferring grace on those who were capable of faith and good dispositions, but still did not possess them. I believe most of our own writers have spoken of the doctrine in this sense, as implying that a person, receiving the Sacrament, receives all the benefit of the Sacrament “*sine bono motu utentis*.” Bishop Barlow, and most of our divines, seem to have so understood it; and thus the question had no reference to the case of Infants, who were not capable of faith and good dispositions, but only to the case of adults. In one of the confessions of the Reformed Churches, the Bohemic Confession, contained in the “*Corpus Librorum Symbolicorum*,” published by Augusti, in 1827, there is a passage which explains what I mean, at page 300:—

“Docent deinde; quod Sacramenta per se, vel ut quidam dicunt, *ex opere operato*, his qui prius bono motu non sunt præditi, et intus per Spiritum Sanctum vivificati, non conferunt gratiam, nec fidem illam justificantem, quæ mentem hominis Deo per omnia obsequentem, fidentem ac morigerum reddit, largiuntur. Præcedere enim fidem oportuit (*de adultis loquimur*), quæ hominem per Spiritum Sanctum vivificet, et cordi bonos motus injiciat; sine fide enim, nec salus, nec justitia est, nec ulli Sacramenta prosunt.”

Now, my Lords, this passage illustrates this subject of the “*opus operatum* :” the doctrine, as generally understood, never could be a matter of discussion at all with reference to Infants: the question respecting the effect of a Sacrament

as “*opus operatum*,” or “*ex opere operato*,” was only agitated with reference to adults, because it was only as to such as were capable of the “*bonus motus*,” but still were not, as the Bohemic Confession says, “*bono motu præditi*,” that there was really any room for controversy. An infant could not have any “*bonus motus*”—it was not a free agent: all that could be said was, that the infant, according to the expression of St. Augustine, “*obicem non ponere*,”—put no bar or hindrance in the way, and therefore received the grace of Baptism at once, as a matter of course; the doctrine of the Baptismal Regeneration of all infants was not derived from the Schoolmen, but was always that of the whole Catholic Church, as I shall show presently; it formed no ingredient in the controversy respecting grace “*ex opere operato*”—and it is quite clear from the passage which I have read from the Bohemic Confession, that it was only thought necessary to guard against the doctrine of the Schoolmen in its application to adults; for in declaring the necessity of faith for obtaining grace through the Sacraments, it expressly says, so as to prevent misapprehension, “*de adultis loquimur*.”

In our own Articles, which were drawn up in the year 1552, there was a notice of the “*opus operatum*.” In the 26th of these Articles it is said, “*Sacramenta non instituta sunt a Christo ut spectarentur, aut circumferrentur, sed ut rite illis uteremur: et in his duntaxat qui digne percipiunt, salutarem habent effectum, idque non ‘ex opere (ut quidam loquuntur) operato,’ quæ vox ut peregrina est, et sacris literis ignota, sic parit sensum minime pium, sed admodum superstitiosum: qui vero indigne percipiunt, damnationem (ut inquit Paulus) sibi ipsis acquirunt.*”

So that, as far as the context goes, it seems to show that the Article, in referring to this subject, pointed only to the case of adults; and as their’s was the only case in connexion

with which the question was raised, the Article of course had reference to no other. It is remarkable, moreover, that in the Articles of the year 1562 this very passage was omitted, as if the Church of England purposely declined to condemn this doctrine, or to pronounce any opinion against it, even in its application to adults.

LORD CAMPBELL.—Then, as far as Infant Baptism is concerned, there is no difference between the doctrine of the Church of Rome, and the doctrine of the Church of England?

MR. BADELEY.—None at all, in that respect, certainly. I think your Lordships will see, when I come to that part of the argument, that this was always the doctrine of the Church; that the doctrine maintained by the Church of England is the same that has always been maintained by the whole Catholic Church of Christ, with respect to the Baptism of Infants.

MR. PEMBERTON LEIGH.—I understood Dr. Addams to say that there was no difference.

MR. BADELEY.—The full benefit of the Sacrament was always universally understood to be conveyed to the Infant. The Infant was held to be regenerated by the act of Baptism, and to receive remission of original sin,—*actual* sins it had none; all that could be given to it, according to its age, was given, and the Sacrament operated at once upon it.

DR. LUSHINGTON.—Now, do I understand you to say, that by Baptism of Infants regeneration always takes place, without any qualification at all?

MR. BADELEY.—Certainly.

DR. LUSHINGTON.—Do you not add to that the qualification, that, at any rate, the rite should be duly performed?

MR. BADELEY.—Of course I do. Baptism, to be Baptism, must be rightly administered.

DR. LUSHINGTON.—What do you call the “due performance” of the rite?

MR. BADELEY.—That which the private office of Baptism in the Book of Common Prayer shows to be the proper form—the water administered, and the invocation of the Trinity.

DR. LUSHINGTON.—And nothing else? Must there be no other limitation? Must it not be done with the *intention* to confer Baptism? What would you say to a case, if it were performed by a person in sport?

MR. BADELEY.—That would be a deep question. There is one very celebrated Father-of the Church, St. Athanasius, whose Baptism is said to have been so performed, and his Baptism was held sufficient.

DR. LUSHINGTON.—That raises the question of intention.

MR. BADELEY.—Undoubtedly, in all the books of the Roman Church, it is laid down, that there must be an intention of administering the rite, of doing that which the Church intends—that is necessary in the Roman Church, and probably may be considered to be so here.

DR. LUSHINGTON.—You construe, in the 27th Article—“they that receive Baptism rightly”—to be, with the matters that are of necessity—only water and the invocation of the Trinity?

MR. BADELEY.—I go no farther than the declaration of the Church of England, or than the Church of England herself, goes. There is no question about intention in the Prayer Book. All that is said is—

“Because some things essential to this Sacrament may happen to be omitted, through fear or haste, in such times of extremity; therefore I demand further of you, With what matter was this child baptized? With what words was this child baptized?”

There are many of the old books in which various questions are raised, as to matters which may interfere with the due administration; as, for instance, how far administration by this person or that person, or in one particular manner or another, will affect the validity of the Sacrament. But the general rule as to intention is, that the person should mean to confer that which the Church means; and all that is laid down in any of the books, even of the Roman Church, is, that the water and the invocation of the Holy Trinity, with an intention to confer Baptism, are all that are necessary.

DR. LUSHINGTON.—I do not mean to express any opinion; but I wish to know whether your interpretation is, that the word “rightly,” here, refers to the outward performance of Baptism?

MR. BADELEY.—I think, my Lord, that primarily it does; but I do not at all mean to limit it to that. The expression in the Latin is “*recte baptismum suscipientes*,” the word used being not “*digne*,” but “*recte*,” as if it rather, or more immediately, applied to the external administration. And with respect to Infants, as they cannot have faith or repentance, but yet must be taken to receive the full benefit, by the administration of Baptism to them in the proper form, it seems, in their case at least, that the word “*recte*” must be understood to mean, “in due form,” “in the right manner”; and the rest of the Article accords with this interpretation, for it says, “*per quod, tanquam per instrumentum, promissiones de remissione peccatorum, &c., visibiliter obsignantur, fides confirmatur, et vi divinæ invocationis gratia augetur.*” Now the words “*per quod*,

tanquam per instrumentum," are to be understood in each part and member of the sentence, and therefore to be connected with the concluding words, "gratia augetur," just as much as with those which have preceded them ; and although the expression "vi divinæ invocationis" is translated in the English, "by virtue of prayer unto God," it would be more correctly rendered, "by force of the Divine invocation," or, "by the invocation of the Holy Trinity," that being the language of theological writers to express the form of words necessary to be used in administering Baptism ; and therefore the Article still seems more immediately to mean, by "recte," the proper manner. And whatever may be the question respecting the intention of the minister, it can scarcely be supposed that this is excluded in the understanding of our Church, as it seems to be completely implied, as included in the due administration ; for it follows, almost as a matter of course, and as an obvious inference, that when a person has, in a case of emergency, professed to baptize, and has actually baptized, an Infant with water, in the name of the Father, and of the Son, and of the Holy Ghost, he intended to confer Baptism according to the intention of the Church. There is but one Baptism, and there is but one meaning that can be properly attributed to such an act, performed in such a manner, and under such circumstances.

Now, my Lords, with reference to the case of Infants, I have already stated that there are but two classes of persons, mentioned by the Articles as receivers of the Sacraments, the *worthy* receivers and the *unworthy*. If Infants therefore are not *worthy* receivers, they are, necessarily, *unworthy*, and then the 25th Article itself declares that they "purchase to themselves damnation." Can anything be so dreadful as to suppose that children, under any circumstances, brought to the Church for Baptism, thereby

“purchase for themselves damnation?” Most assuredly that cannot be. But if they do not, then the Article shows that they receive Baptism *rightly*; and if so, they must be reckoned in the other class, which it is clear that they are, if their Baptism “best agrees and harmonises with the institution of our Lord.” Then if they are worthy receivers, and especially worthy, why do they not obtain at once all the benefits to which Baptism entitles any person? They must therefore become thereby the “sons of God by adoption;” they must receive “remission of original sin;” they must be put into “a state of grace,” and they must be “regenerated.” This, I say with confidence, is the necessary result of the examination which I have made of the Articles, the Services, and the Catechism.

I think the Articles alone are so very clear upon this point, that any candid mind must so interpret them. And if the Articles are so, can any mind, however perverted, deny this of the Services and the Catechism? The Homilies again confirm this doctrine, which the Articles, the Services, and the Catechism have thus declared, and show that the benefits of this Sacrament, in the case of worthy recipients, (which Infants always are) “are united and tied to the visible sign itself;” that is the language of the Homilies. Well then, my Lords, these are the documents which your Lordships are now to construe, and can you construe them otherwise than I have done? How would you construe an Act of Parliament? Precisely in the same way. How would you construe any deed that was brought before you? By the very same rule. You would collect the sense and meaning of the instrument from the whole of it; you would see how each part tallied with the rest; you would put them all together. If there were two instruments, you would compare them, and give full effect to the one by construing it, as closely as possible, in con-

nection with the other. These instruments then are to be read in the same manner; there can be no distinction drawn in this respect between them and others. They are, in point of fact, Acts of Parliament, inasmuch as they are expressly confirmed by several statutes, and incorporated with them, and therefore the same rules of construction, which the law applies to other statutes, must also apply to them. I need not remind your Lordships, that these rules are the rules of common sense, as well as of common law—that they are simply the application of fair and ordinary criticism, of that candour and plainness of understanding which supposes that persons or bodies of men, the Church or any individuals, really mean what they say, and that when they express a thing positively, absolutely, and unconditionally, they mean it positively, absolutely, and unconditionally; and, if there is no limitation annexed to this or that benefit, that the benefit is fully and completely conferred; and we have no right in any case, least of all have we the right in sacred things, to restrict or qualify the gifts which are declared to be so bestowed, or to engraft upon them provisions or exceptions which the Church has not engrafted.

The Church opens her arms to receive all Infants who are brought to her; she invites them to be brought; because she tells us that their Baptism will be “most agreeable with the institution of Christ;” she urges this invitation by declaring what are the benefits which enure to worthy recipients, and asserts expressly that Infants *are* worthy, and that they *will* receive them. She pronounces positively that they *have* received the benefits, as soon as the waters of Baptism have passed upon them, and she makes no distinction between one child and another. The services applicable to one are applicable to each and all, and all are alike admitted to the same privileges.

With respect to the promises which are made on his

behalf, no doubt the Infant is in due time bound to perform them, because, by the fact of his being made a Christian, he becomes bound to believe and to do those things which Christianity enjoins ; but the promises which are required from the sponsors, as appears by the Formularies themselves, are not of the essence of the Sacrament. The child becomes partaker, by the mere administration of Baptism, of all the benefits which belong to the rite ; those benefits are conveyed at once and unconditionally, though the Infant may afterwards, by his own neglect or misconduct, forfeit the grace so given. I defy anybody, however ingenious he may be, to put any other construction upon our Formularies, without incorporating something which is not there, and engrafting a condition which the Church itself has never heard of.

I have thus, my Lords, endeavoured to ascertain, as clearly as I could, (I fear I may have wearied your Lordships with my attempt,) what the Church has enunciated ; because that is really the law which your Lordships are called upon to administer ; you are to say whether such is or is not the doctrine of the Church, and if it is, you have only to apply that doctrine to the particular case in question. That is the way in which the Learned Judge in the Court below proceeded ; he ascertained with care from the Articles and Formularies themselves, what was the doctrine of the Church ; he applied that to Mr. Gorham's case ; and the result is before you. He treated the two—the Articles and the Formularies—on the same footing ; he construed both together ; he viewed them both as proving the same thing, each in its own way, one more fully, and necessarily and naturally more fully, than the other, because it was obviously to be expected that the forms of administration of Baptism should go more fully into the subject of Baptism, and explain its nature and character more com-

pletely, than Articles drawn up in a general form, and which evidently are little more than an outline. It was natural that the Formularies should be more explicit, that they should more completely explain what the doctrine was, and what it involved, as they were intended to bring it before all classes of the Church, both clergy and laity, from year to year, or rather, perhaps, from week to week; and therefore the Learned Judge of the Court of Arches most properly looked at the Formularies as the best and fullest explanation of the Articles, and construed both, as I have endeavoured to construe them, and as your Lordships must construe them—in their plain and obvious meaning.

Now, supposing that Baptism does not convey this benefit immediately, and at once, what have we to go upon? What assurance have we that it will ever give it? When and under what circumstances will it be? What knowledge have we that we have received the remission of original sin;—that we have been put into a state of grace;—that we can do good works pleasing to God;—that we are in such a state as will entitle us to final acceptance? I know of none. Baptism is the foundation of our spiritual life. We are brought in that from a state of nature to a state of grace, and enabled then to do good works, pleasing and acceptable to God, and to work out our salvation. If the benefits of Baptism are delayed, when are they given? The Church shows no other time; nothing of the sort is expressed in the Articles, Services, Catechism, or Homilies.—If they may be delayed at all, how long may they be so delayed?—20, 30, 40, 50 years, the whole life, and perhaps not conveyed at all. Are the promises in abeyance all this time?

THE VICE-CHANCELLOR KNIGHT BRUCE.—Is it not the appellants' declared opinion, that every baptized infant, dying before the capacity to sin, has been regenerated?

MR. BADELEY.—I think not, according to the view which the Church takes. He does not strictly adopt the doctrine of the Church in that respect. I shall explain that presently.

LORD CAMPBELL (reading).—"Does the Church hold, and do you hold, that Infants so baptized are regenerated, independently of the stipulations made by their representatives, or by any others for them?"

THE VICE-CHANCELLOR KNIGHT BRUCE.—Is that so?

MR. TURNER.—I understand so.

MR. PEMBERTON LEIGH.—We must take it from his examination.

LORD CAMPBELL.—In answer to the 19th question, Mr. Gorham says, "If such Infants die before they commit actual sin, the Church holds, and I hold, that they are undoubtedly saved, and therefore they must have been regenerated by the act of grace prevenient to their Baptism, in order to make them worthy recipients of that Sacrament."

MR. BADELEY.—I think your Lordship will see that Mr. Gorham qualifies the doctrine of the Church a good deal; at least in one way.

LORD CAMPBELL.—That is the answer to the question.

MR. BADELEY.—I understood my friend Mr. Turner the other day, when the point was put, to say, that Infants dying before they commit sin are "undoubtedly saved."

MR. BARON PARKE.—They do not adopt the word "regenerate."

THE VICE-CHANCELLOR KNIGHT BRUCE.—"If such

Infants die," he says, "before they commit actual sin, the Church holds, and I hold, that they are undoubtedly saved, and therefore they must have been regenerate by an act of grace *prevenient* to their Baptism in order to make them worthy recipients of that Sacrament;" that is, recipients in a particular manner, by a "prevenient grace."

LORD CAMPBELL.—However they be "recipients," according to his answer, he holds all baptized Infants, dying before they commit actual sin, are undoubtedly saved.

MR. BADELEY.—When that rubric was referred to the other day, it was said that the infant might be regenerated "*at*" Baptism, not "*by*" Baptism. I understood Mr. Turner so to put it, and that is what seems to be Mr. Gorham's meaning; that Baptism is not the cause or the instrument of regeneration. Mr. Gorham takes the death of the child as evidence of its having received "prevenient grace," and so having died in a regenerated state: he refers that to the "prevenient grace," and not to the Baptism as the Church does.

THE VICE-CHANCELLOR KNIGHT BRUCE.—Distinctly.

MR. BADELEY.—It is a matter of fact; the child, having been baptized, and having died, is "undoubtedly saved;" but this is not by means of Baptism, but only because, as the Church says that the child is saved, the death is to be regarded as proof that there had been that "prevenient grace," which, according to his system, is necessary.

Now, I apprehend, the Church means, and always did mean, that children baptized, dying before they commit actual sin, are saved *by reason of their Baptism*; and that I think the Formularies pretty clearly show: the Church certainly attributes the benefit conferred upon the Infant to

Baptism, and to Baptism only. The Rubric occurs in a place which particularly connects it with the doctrine of Baptism, as enunciated by the Church, for it follows immediately after the Service for the administration of Public Baptism; and it is remarkable, that this very Rubric was transferred to this place at the last revision, having previously been prefixed to the Office of Confirmation—so that now we have it appended to the service in which the Church, at the commencement, says, that “all men are conceived and born in sin, and that our Saviour Christ says, none can enter into the kingdom of God, except he be regenerate, and born anew of water and of the Holy Ghost;” and then it prays that the benefit of being transmitted from that state—a state of nature—to a state of grace, may be granted through the administration of Baptism, and then, immediately after the Baptism, declares that by what has taken place, they are regenerate; then comes this Rubric, which declares that “children which are baptized, dying before they commit actual sin, are undoubtedly saved.” Surely it is thus connected with what is affirmed before, and the natural inference is, that the Church means to imply, that it is not merely that children *having been baptized* “are undoubtedly saved,” but that it is *because* they have been baptized, *by reason of their having been admitted to this rite*, that they are saved. I was looking to see whether in the Latin translation there was any difference; but it is—“*Constat ex verbo Dei, Infantes baptisatos, qui moriuntur antequam peccatum ullum actuale commiserint, indubitanter salvari.*”

LORD CAMPBELL.—It would appear that both sides agree, that all children that are baptized are in a state of grace; that if they die before committing actual sin they must be saved: the issue seems to be, whether *that* is pro-

duced simply by the act of Baptism, or whether it is produced by the grace of God being communicated *at* the time of Baptism, or *before* Baptism.

MR. BADELEY.—I say the Church teaches that it is *by the Baptism*, by means of the Baptism administered, that grace is conveyed, and that by reason of the Baptism the child is saved.

DR. LUSHINGTON.—When you use the word “Baptism,” you mean that it confers the grace.

MR. BADELEY.—Yes, “*tanquam per instrumentum*.”

DR. LUSHINGTON.—You say it is given by Baptism.

MR. BADELEY.—I say the Church has never qualified it : from the earliest period, the whole Catholic Church of Christ has annexed the grace to the Sacrament—she has regarded Infants as the proper recipients of Baptism ; and resting upon the words of our Lord, she has always held that *by* Baptism they receive the benefits, and that, if they die in the state in which Baptism places them, without having committed actual sin, they are “undoubtedly saved.” That was clearly the doctrine of St. Augustine, and of the early fathers ; it was the doctrine handed down in the English Church, which was firmly held by that Church at the period of the Reformation, which has been held ever since, and is held to this day, as I think is manifest from the Formularies, to which I have referred your Lordships, as well as from the Articles. If even it stood alone upon the Articles, it would be clear enough ; but, taking the Articles in connection with the Formularies, there cannot be a doubt in the mind of any reasonable

being that such is the view of the Church. I shall presently show more particularly what was the doctrine of the Primitive Church upon this subject; and whatever was the doctrine then must be the doctrine now, and that will be the best explanation of the Church's meaning, if any further explanation is required. The attempts, therefore, to disconnect from the Baptism of the infant his title to salvation, to attribute to any other means that undoubted assurance which the Church gives us of his salvation, if he dies before he commits actual sin, is an unfair and dishonest mode of dealing with the plain and positive declarations of the Church, and a denial of that truth of which the Church is the witness and the keeper. If the Church points out one only instrument, by which an infant is changed to a child of grace from being a child of wrath, and then immediately declares that the child for whom this instrument has been used is undoubtedly saved, I certainly cannot understand how its salvation is attributable to any other means, than the instrument which has wrought the change which entitles it to the benefit.

Now, if there is any condition attached to the case of infants, where is it expressed? I cannot find it. I find faith and repentance required in the case of adults; I do not find them required in the case of infants, for it would be an absurdity.

Again, I would ask, if the benefit is not conveyed to the infant, what good does Baptism do? The Sacrament then becomes, not the "*efficax signum*," but quite the contrary. We have seen that the Articles only speak of receiving worthily or unworthily, and therefore, according to them, if an infant is not a worthy, he must be an unworthy receiver. But supposing that no benefit is conveyed, and that the child does not receive the Sacrament, as we maintain that he does not, to his damnation, then I ask, what state is the

child in? what becomes of the definition given of both the Sacraments generally, and the Sacrament of Baptism particularly? and how can it be said that it is a “sure witness and effectual sign of grace?” how can it be said that God does thereby work invisibly in the person baptized, or that he really does regenerate him? The Sacrament, therefore, is made of none effect; instead of being what the Article declares it, an “*efficax signum*,” it becomes an “*inane signum*”—or rather not a “*signum*” at all in a theological sense; and if the infant does not receive the benefit at the very time when the Baptism is conferred, you do not know how, or at what time, he will receive it, or that he ever will.

Now, I believe it has been said, that the Almighty may foresee that the child will at some future time, or *may* in after life, fulfil the promise, and then that he will obtain the benefit; but I should be glad to know, how that is consistent with the doctrine of the Church? If the benefit is to be conferred, only in consequence of the Almighty foreseeing that the child, at a future time, will be this or that, such a proposition seems to involve a vital error, because it looks as if there were some goodness in the child itself which could operate upon the Sacrament, so as to render it effective, rather than that the Sacrament operates upon him, or conveys to him the seeds of grace. Supposing again, that God foresees that at some future period the child is to fulfil the promise, what is the state of the child in the mean time? Is he to go on for twenty or thirty years, and is the benefit of the Sacrament all this while delayed? In what position, then, will the person be in this interval? Is he in a state of nature, or a state of grace? what are his means of working out his salvation in the mean time, because it may be foreseen by the Almighty, that some twenty or thirty years hence he will come to do good works? If the Sacrament during all

this while has been inoperative, and has not regenerated the receiver, his original sin must remain, and he must be incapable of pleasing God. Put this case then, and try the question by the converse, which may be suggested, with respect to adults ; suppose that an adult comes to Baptism worthily, with "faith and repentance," then, according to the doctrine admitted on all sides, to that adult the full benefit of the Sacrament is conveyed ; but supposing that God foresees, that after some twenty or thirty years, the adult, who has received Baptism with right dispositions, will fall away, and forfeit the grace conferred upon him, does not the Sacrament take effect at all ? Can you say that, having come with all the due qualifications, and being therefore a worthy receiver, according to the language of the Articles, his Baptism is nevertheless an "inane signum," a mere sham ? If the foreknowledge of God is to apply in the one case, why not in the other ? If the Baptism of the infant is to confer grace and regeneration, only because the Almighty foresees that he will, at some distant date, acquire a right frame of mind, why is that of the adult, who is ultimately to fall away, to put him into a state of grace ? Really, when one presses this doctrine, it involves a manifest absurdity, and makes the whole subject perfectly inexplicable, independently of its being a total departure from the letter, as well as the spirit of our formularies, and from all the language of antiquity. My Lords, if we once allow ourselves to decline from the declared doctrine of the Church upon this subject, we get immediately into inextricable confusion, and involve ourselves more and more in the mazes of doubt and difficulty ; the only safe way is to construe these things in their plain and literal sense, according to the rule of the Church ; to adhere strictly to the teaching of the Church ; and if we cannot understand it, (for who can fully understand such mysteries ?) we must leave it to the Almighty himself.

We are bound to receive it with humble submission, as one amongst the many mysterious truths which Revelation has opened to us, but into which we can only look as “through a glass, darkly,” and by which we must be content to abide, without turning to the right hand or to the left.

Now, supposing that a clergyman, who has, as we have seen, expressed an “unfeigned assent and consent” to everything contained in and declared by the Book of Common Prayer, and who is therefore required by his duty to explain the Catechism according to its obvious meaning, as well as to administer the rite of Baptism, and to explain this also to his congregation, consistently with the services which he uses, but who has some reservation in his mind, some qualification of this doctrine, imposing some condition not found in the Prayer Book, but necessary, in his opinion, to the reception by infants of all the grace and benefit of the Sacrament—if such is his belief, then I want to know what state the congregation will be in? They will hear the services read, and the Catechism taught, as they are given in the Prayer Book; but if they are led to believe that these are not to be so understood—that other conditions are requisite, “prevenient grace” or such novelties—how are they to understand them, and what are they to think of the doctrine of the Church of England? They will find their clergyman teaching one thing from the Prayer Book, whilst he is compelled to use it in the course of his ministration, and then getting up into his pulpit, and teaching something else more accordant with his own private views; which of the two then are the congregation to trust? Are they to take the doctrine as it appears upon the face of the Prayer Book, as the Church teaches it, or are they to take it in an artificial sense, and according to the peculiar notions of the clergyman under whom they happen to be, which will be of one kind in this parish, and of another in that, till we have as many different

versions of each doctrine as there are pulpits in the kingdom? And what will become of the Church of England under such a state of things? If her Articles or her Formularies express any doctrine plainly, what right has any one, on an assumption of his own, to fasten upon them another meaning? Surely, my Lords, the Articles, if they are resorted to, so far from being then "for the avoiding of diversities of opinions, and for the establishing of consent touching true religion," will be the very opposite of all this; they will be for encouraging a multiplicity of opinions, and annihilating all unity of doctrine. If it is said, that the Articles do not explain some particular doctrine so fully as the Prayer Book, or do not positively express that which is plainly declared in the Prayer Book, and therefore I may put upon the Articles some construction of my own, which is really inconsistent with the Prayer Book, then I want to know where we shall stop; because I will undertake to say, that there is scarcely a single heresy which has ever disgraced the Church, which may not then be brought, in one way or another, into the Church of England, and neither her Articles, nor her Formularies, will be any security whatever. Mr. Gorham may have his "prevenient grace" to-day, and a neighbouring clergyman, or Mr. Gorham's successor, may have some other grace to-morrow, and thus, in a very short time, the Church will cease to have any dogmatic teaching whatever.

Now we have been told a good deal about hypothetical constructions, and what is sometimes called "the judgment of charity," as necessary in many cases; and I think the services for Adult Baptism, for Marriage, and for the Burial of the Dead were mentioned, as instances in which that rule of interpretation was supposed to be applicable; and hence it was urged, that the offices for Infant Baptism were open to the same hypothetical construction. But it by no means follows

that, because such a construction is admissible in some cases, and under certain circumstances, it is therefore admissible in all. That certainly would not be a legitimate conclusion, even if the premises were true, which I am satisfied that they are not, in the sense in which they are advanced. In the instances referred to, the Church herself shows in what manner, and to what extent, any hypothesis is allowable—she provides for it by the express language of the Formularies themselves.

In the case of adults, the office for Baptism admits and recognizes a condition: it says that the person will be favourably received by our Lord, "*truly repenting, and coming unto Him by faith,*" and it then proceeds upon the very ground, that if he does not come with "faith and repentance," he does not obtain the full grace and benefit of the Sacrament. These qualifications moreover are ascertained, as far as possible, before the party is allowed to come to Baptism, for it is expressly required by the Rubric that "due care be taken for his examination, whether he be sufficiently instructed in the principles of the Christian Religion, and that he be exhorted to prepare himself, with prayers and fasting, for the receiving of this holy Sacrament." The due preparation of the party being thus provided for, the Baptism is administered upon the fact already ascertained; but the condition is incorporated in the service, and the Church says that she acts upon the faith of his having fulfilled it. But that is not the case with an infant: the question of charitable construction, or hypothesis, cannot apply there. There is nothing like a condition attached to an infant's baptism. The Church has ruled that the infant, by the mere administration of the rite, has the full benefit: if he has not, how is it that the Church declares, that on his "dying before he commits actual sin, he is undoubtedly saved?" That at all events is a ruled point; as even Mr.

Gorham admits ; and I say, so is the fact, that the infant, at once, and absolutely, and unconditionally, is admitted to all the privileges of Baptism. There is no room in his case for a “judgment of charity ;” the Church says positively that the fact is so. No doubt the child is bound to act upon it in after life : he is to pray for the continuation of the benefits so conferred : he is taught to do his utmost “to continue in that state,” to carry on the gift to perfection : which implies that he has been put into that state, and actually received the gift. The cases, therefore, of adults and infants are entirely different in this respect—in the one, the Church proceeds upon an hypothesis, and tells us that she does—in the other, she proceeds positively, she leaves no room for an hypothesis, she takes the child as he is, without the capability of any “bonus motus,” and then declares positively, and asserts dogmatically, that the mere performance of the rite has, as an absolute matter of fact, effected a certain result.

The case of Marriage was put ; but there again the Church declares, with respect to persons who come to it under false pretences, that they are not truly married ; for she makes this most solemn address ;

“ I require and charge you both, as ye will answer at the dreadful day of Judgment, when the secrets of all hearts shall be disclosed, that if either of you know any impediment, why ye may not be lawfully joined together in Matrimony, ye do now confess it. *For be ye well assured, that so many as are coupled together otherwise than God's word doth allow, are not joined together by God, neither is their Matrimony lawful.*”

There is a condition expressed by the Church : she says, “ If you come with a false pretence, you do not receive the benefit you have come for ; you are not joined together by God's law, neither is your Matrimony lawful : I assume that you do come in a proper way, and therefore I admit you to the rite.” Here there is room for the assump-

tion, and the Church herself provides for it.—So in the case of the Burial Service—that cannot affect the question, as far as I can perceive, because the very language of the prayer, which was referred to on the other side, is altogether the language of *hope*, the expression of anticipation ; a pious wish ; a judgment of charity ; nothing certain is pronounced. It is true that at the commencement of the prayer, (and that is an important consideration,) we do return thanks, “for that it hath pleased Almighty God to deliver this our brother out of the miseries of this sinful world.” But, my Lords, that may refer to what I believe is a very deep and awful theological question, namely, that a person may be understood to be continued in this life during the whole period that, in the providence of God, is allotted to him, as that in which he is likely to work out his salvation :—that he is removed when he has done so, or when the term of his probation is past ; and, taking it under that view, it may be a reason for the Church’s returning thanks, as we are taught to return thanks to Almighty God for everything. But your Lordships will observe, that nothing is affirmed positively as to the state of the person ; and, in the prayer which immediately follows, this is made only the subject of hope, for we pray “that when we shall depart this life, we may rest in Christ, *as our hope is this our brother doth.*” The whole service is to be taken together ; the one collect is required to be used directly after the other ; and putting the two together, and comparing the one with the other, of course the whole is merely a charitable expression of the Church—it is simply a hope ; nothing positive is pronounced. So that in all these cases in which a “charitable construction,” or “hypothesis,” or whatever it is called, is allowed, the Church herself authorizes it by the language which she uses ; it follows therefore that where she does not use it, she does not allow it, and as in

the case of infant Baptism, she takes such very special care to show that she does not intend it, and any such hypothesis would be absolutely inconsistent with all her statements, we can have no right to import it, and so to do violence to her plain meaning.

If the case of a baptized Infant were a question of "hope,"—if it were one of a mere "charitable construction," why was it not so stated? Why was it not said, "our *hope* is that this child is regenerated," or, "it is our *hope* that this child is saved?" But the Church rules, that *being baptized*, he is regenerated,—that dying without actual sin, he "*is undoubtedly saved*;" and says that this is "*certain by God's word*." But if the Church, as the Articles say, "has authority in controversies of faith," I am utterly at a loss to understand how she can express her decision upon a question more authoritatively, or more positively, or in any manner more binding upon her members. I do hope, therefore, that we shall hear no more of "charitable construction," or "hypothetical interpretation," in such a case as this. It is only by talking about "preventient grace," and making conditions of which the Church knows nothing, that anything like an hypothesis, or a mere judgment of charity, can be required. If the question is to be open for "preventient grace," as necessary to render the Baptism of Infants effectual, I shall be glad to know, what will be the state of the parents who are required to bring their children to be baptized? because, according to Mr. Gorham's doctrine, if "preventient grace" is not given, the Baptism is not merely of no effect, so as to give the Infant no benefit, but much worse; for, according to the language of the Articles, it *cannot* be without effect; it must operate either for good or for evil: if the child comes unworthily, it will then "purchase to itself damnation;" and that must necessarily be the consequence, if, according to Mr. Gorham's

view, the child is brought not having this "prevenient grace." How is it to be known, then, whether it has "prevenient grace?" According to Mr. Gorham, it could only be known by the child's dying. How is a parent to know beforehand whether the child has "prevenient grace?" It is impossible. But the Church says, "Bring your children;" she encourages them to come. Nay, more; she expressly requires by her Rubrics, and her Canons, that the Baptism of the child shall not be delayed, beyond the first few days after its birth. But this would be positive cruelty, if Mr. Gorham's doctrine were true. It would be forcing all persons to bring their children, rightly or wrongly, whether they have "prevenient grace" or not; and if they have not, then they must come unworthily, and, therefore, "purchase to themselves damnation." This seems to follow as a necessary consequence; and I would ask, what parent, having the slightest regard to his child's welfare, would, under such circumstances, bring him to Baptism? Would he do so on the mere *hope* of benefit, on the *mere chance* of blessing, when he knew the tremendous consequences that must ensue upon the other alternative? Would he risk the curse, that must befall his child, if it did not by chance obtain the blessing? Surely not; and so the child would remain unbaptized, and the command of the Church would be disobeyed. To suppose it possible, that a child brought to Baptism, according to the directions of the Church, could, under any circumstances, by the want of "prevenient grace," purchase to itself damnation, (which it must do, if the Articles and Mr. Gorham's doctrine are both to stand), has something in it so shocking, so contrary to every principle of charity, to the very charity which the Church has peculiarly shown with respect to little children; it is so revolting to one's common feelings, that there surely can be nothing more required, in order to prove its utter

absurdity; and if this, the necessary consequence of Mr. Gorham's doctrine, is so absurd as well as so dreadful, how can the doctrine itself be for a moment maintained?

Now, my Lords, there is another point in connexion with this subject, which, before I quit this part of the argument, I would shortly notice, as incidentally showing still further the mind of the Church of England. In the rubric of the office for the Burial of the Dead, it is said,—

“ Here is to be noted, that the office ensuing is not to be used for any that die unbaptized, or excommunicate, or that have laid violent hands upon themselves :”—

so that all unbaptized children are treated as excommunicate, as out of the pale of the Church, and therefore not entitled to Christian burial. Supposing, however, the doctrine of “prevenient grace” were true, how cruel would this rule be! The child might have had “prevenient grace,” and so have had all that would be necessary to render Baptism effectual—nay, all the real benefit that Baptism could have given—for Baptism itself, according to this doctrine, would be a mere empty sign, a mere piece of evidence—and yet the Church would be depriving the child of Christian burial, and classing it with suicides and excommunicate persons. Surely there is something so uncharitable in this, so odious to the feelings of a parent, so inconsistent with reason, (because, though in fact unbaptized, the child would still in reality be equal, in character and in privilege, to a baptized person,) that it is clear that the Church could never have intended it, and therefore, in establishing such a rule, could never have entertained such a notion as that of “prevenient grace”—on the contrary, the Church would have seen, if she had held Mr. Gorham's doctrine, that she was doing great injustice, and that children dying without Baptism, or at least the children of Christian parents, ought

to be admitted to Christian burial, upon the chance or the presumption that they had such grace. This then, surely, is in itself an additional proof of how utterly the Church repudiates such a doctrine as Mr. Gorham's—how she refers to Baptism as the commencement of Christian life—as that which puts the child into a state of grace and adoption—and how by that, and by that alone, she considers that all the benefits and privileges of Christianity are conferred. And what is the objection to it? The Church nowhere affirms, that because a person is regenerated in Baptism, therefore he has the grace of perseverance: quite the contrary: the Services and the Catechism direct to this as a matter for prayer, for exertion, and for hope—they admit the doctrine laid down in the Article, which teaches that persons “may fall from the grace given in Baptism,” and so be finally rejected. When the child becomes regenerate, and is put into a state of grace, it has communicated to it the power to go on to perfection, to realise and fulfil its Christian calling; but that it *will* do so, the Church only regards as matter of hope, not as matter of certainty. Analogous to the natural birth is the new birth in Baptism: the child is born; if it is duly nurtured, and afterwards takes care of itself, its life may be preserved; if it is neglected, or abuses its natural powers, it probably will perish prematurely: it does not follow from its being baptized, that the child is to have final perseverance, and must be finally saved, any more than its being brought into natural life implies, that its life is to be continued, or preserved in health.

Now, my Lords, I would ask this question: if the Articles of the Church are to be construed literally, why is not the Prayer Book to be so too? We know that the Articles are required by law, as well as by royal declaration, (which is not law,) to be taken in their plain and literal sense; we

know that, by law, the person who is called upon to subscribe, must subscribe unconditionally, and without reservation: that has been expressly decided—

LORD CAMPBELL.—There is not the slightest doubt about that.

MR. BADELEY.—In Lord Coke's 4th Institute, page 323, in the chapter "Of Ecclesiastical Courts," he says:—

"I heard Wray, Chief Justice of the King's Bench, (Pasch. 23 Eliz.) report, that, where one Smith subscribed to the Thirty-nine Articles of Religion, with this addition, 'So far forth as the same are agreeable to the Word of God,' it was resolved by him, and all the Judges of England, that this subscription was not according to the statute 13th Elizabeth; because the statute required an absolute subscription, and this subscription made it conditional; and that this Act was made for avoiding a diversity of opinions, &c.; and by this addition the party might, by his own private opinion, take some of them to be against the Word of God; and by this means diversity of opinions should not be avoided, which was the scope of the statute, and the very Act itself made touching subscription hereby of none effect."

LORD CAMPBELL.—No such privilege is claimed.

MR. BADELEY.—Not directly, but virtually it is. I say, according to my construction of the Prayer Book, it is impossible, with any reasonable intent of criticism, not to see, that the doctrine of Baptismal Regeneration is plainly demonstrated—and they even admit it to be so on the other side; they cannot venture to deny it. But if that is so, then this law, as laid down by Lord Coke and all the Judges of England, directly applies. You have the Act of Uniformity, expressly requiring from every Clergyman a public and solemn declaration, in his church, of his "unfeigned assent and consent to everything contained and prescribed in and by the Book of Common Prayer;" and if so, can it

allow any mental reservation, any exception or condition, in that assent, even although it should be one so seemingly harmless as that in Smith's case, "so far as it is consistent with the word of God"? If you do not allow that with respect to the Articles, how can you allow it with respect to the Prayer Book?

LORD CAMPBELL.—Mr. Gorham does not appeal from the Articles and Formularies to the Scripture; he says, "looking at the Articles and the Formularies together, I put the just construction upon them;" he may be quite wrong in *that*, but *that* is the manner in which he puts his case.

MR. BADELEY.—I say he has not attempted to show in his examination, or by his counsel, that there is anything about "prevenient grace" in the Book of Common Prayer, in connexion with Baptism, or that it is made a condition to the right reception of Baptism by an infant. But if he makes that a condition, or a necessary qualification to the due reception of Baptism, then I maintain that he is making a qualification, quite inconsistent with the declaration of unfeigned assent and consent to the Prayer Book, required by the Act of Uniformity, just as Mr. Smith was qualifying the Articles, by saying that he "received them so far forth as they were agreeable to the Word of God." It is qualifying the thing in the one case as much as in the other. In the one case unqualified subscription is required, in the other a public declaration of "unfeigned assent and consent" to the whole. Where the Formularies are plain and positive, unfettered and unlimited by any qualification, a person is not allowed to say, as Mr. Gorham in fact does say, "I allow the validity of the Sacrament of Baptism, *provided* there has been an Act of 'prevenient grace.'" That is undoubtedly qualifying the doctrine of Baptism: it is saying that Baptism does not

confer upon Infants, freely and absolutely, the benefits which the Prayer Book tells us are so conferred—it is limiting that sense which the Church has expressed in large, and positive, and unconditional language—the one is as contrary to the spirit and meaning of the Act of Parliament with reference to the Prayer Book, as the other to that which prescribes the Articles—the subscription of the Articles, and the declaration of assent to the Prayer Book, are alike required, that there may be no diversity of opinions—that all may receive, in the same sense and with the same understanding, both Articles and Formularies, not putting any private interpretation upon either, or construing them otherwise than in their plain and obvious meaning.—I certainly do not know, I cannot possibly understand, why one is to be clogged or explained away more than the other, or how a person is acting less unjustifiably, or less illegally, in fettering or qualifying the one, than he is in fettering or qualifying the other.

And now, my Lords, I believe it will not be necessary for me to trouble your Lordships further, upon this part of the case, because I hope I have said enough, at least for the present, to show, not only that the doctrines of the Church of England are law, but that those doctrines are to be collected alike from the Articles and Formularies, and that these concurrently declare, in the most full and marked manner, the doctrine of the Baptismal Regeneration of Infants. If that is so, then I think the point in question is proved, because any deviation from either the one or the other, whether the doctrine rests upon the Articles or upon the Formularies, and much more as it depends on both, is contrary to the law of the Church, and therefore incompatible with the functions of its ministers.

I shall next appeal to antiquity, in order to show more fully, that this doctrine for which I contend has always been, and

must necessarily still be, the doctrine of the Church of England. And I consider that I am entitled to make this appeal, because it is that which uniformly was made by those who took part in the Reformation, and finally settled our Articles and our Formularies.

My Lords, if there can be any doubt at all about the sense and meaning of our Church, if it can be supposed by any criticism or minute construction, that these Articles and Formularies do leave any question open—do omit in any degree to declare with certainty the doctrine of the Church, resort must be had, not to the writings of the Reformers, not to the opinions of any individuals, however respectable they may have been : the only appeal can be to the early Church, and the doctrines which that Church professed. That is indisputably the standard to which we are referred, not only by our Prayer Book and our Homilies, but by those who took the most prominent part in the Reformation in this country. And it is natural, my Lords, that this should be so, because what was in fact the Reformation, and what its object? My friend Mr. Turner, the other day, spoke of the Church of England in 1552 as being then in its infancy : but according to my understanding, it was then at least more than 1200 years old, for we have evidence of British Bishops having attended some of the earliest councils. Some are supposed to have been present at the Council of Nicea, and it is positively stated that three attended the Council of Arles, which was prior to that of Nicea. The Church of England therefore is an ancient and an apostolic Church, deriving its succession from the primitive Church, and one and the same through all ages. The Reformation was no *new formation*, not a creation of a *new church*, but the correction and restoration of an old one : it professed only to repair and reform, not to found or create,—and it assumed to do this, according to the doctrines and usages of the

primitive Church. The Reformers well knew, that if they did not stand upon that ground, they had no resting place for the soles of their feet ; they were fully conscious, that if they attempted to alter the Church any otherwise than according to its ancient model, it would crumble to pieces altogether, and probably bury them in its ruins.—All they professed was, to strengthen it where it was decayed, and to strip off those additions which had encrusted or grown upon it, in the lapse of time, without the authority of the Scripture, or of primitive tradition ; but to this they declared that they adhered—they bound themselves down by this rule, and appealed to antiquity for all they did. There is a passage in Bishop Jewell's Apology (a book which I believe was authorized by Convocation), which shows that the intention of our Reformers, in departing from the Church of Rome, was not at all to depart from the doctrine of the Catholic Church—it is towards the conclusion of the “*Apologia Ecclesiæ Anglicanæ*,” and is this :

“*Accessimus autem, quantum maxime potuimus, ad Ecclesiam Apostolorum, et veterum Catholicorum Episcoporum et Patrum, quam scimus adhuc fuisse integram, utque Tertullianus ait, incorruptam virginem, nullâ dum idololatriâ, nec errore gravi ac publico contaminatam ; nec tantum doctrinam nostram, sed etiam Sacramenta, precumque publicarum formam, ad illorum ritus et instituta direximus.—Utque Christum ipsum, et omnes fere pios fecisse scimus, religionem ab istis turpiter neglectam et depravatam, ad originem et primordia revocavimus.—Inde enim putavimus instaurationem petendam esse, unde prima religionis initia ducta essent,—*‘*Hæc enim ratio, inquit antiquissimus Pater Tertullianus, valet adversus omnes hæreses ; id esse verum, quodcunque primum ; id esse adulterum, quodcunque posterius.*’ Irenæus sæpe ad antiquissimas ecclesias provocavit, quæ Christo fuissent viciniore, quasque credibile vix esset erravisse. Jam vero cur ea hodie ratio non initur ? cur ad antiquarum ecclesiarum similitudinem non redimus ? Cur id a nobis hodie audiri non potest, quod olim in concilio Nicæno, a tot episcopis, et catholicis patribus, nullo refragante, pronunciatum est, *ἡ θη ἀρχαία κρατεῖται.*”

Here then we find a distinct appeal to antiquity ; and in

the Preface to the Prayer Book, as well as in the Articles, we have frequent references to the Fathers and the Primitive Church. We have the same in the Homilies ; in almost every page they teem with quotations from the Fathers, and support themselves upon the ancient doctrine, and the Catholic tradition. And therefore, in inquiring into what was the doctrine of the early Church upon the question now in issue, we are following precisely that course of inquiry, and appealing to that tribunal, which was marked out for us by the Reformers themselves. They referred to the primitive doctrine as an indication of their meaning ; and, of course, if they had departed from that, they would have departed from the Church itself, because the Church, and the faith of the Church, can be but one. They, therefore, were bound to adhere to that which Catholic tradition had carried to them ; and I think we shall find, with respect to the Baptism of Infants, and that of adults also, that regeneration was always considered to be immediately and necessarily connected with the Sacrament ; that the two are almost identical ; that “ Baptism ” and “ Regeneration ” are used as convertible terms ; and that the very same doctrine, which was held in the first ages, has been handed down in the Church of England, from the remotest period to the present. I shall, therefore, my Lords, endeavour to trace this matter historically, (it will not take so very long a time as your Lordships might possibly suppose,) and I think if I succeed in bringing down the doctrine, in an uninterrupted course of tradition, from the Primitive Church to the period of the Reformation, I shall establish my case ; because I can show that at the time of the Reformation there certainly was no intention to depart, and was no real departure in any respect, from the doctrine of the early Church, on this or any other matter ; certainly not on the Sacrament of Baptism, or upon the Sacraments generally ; and whatever was not altered at

the period of the Reformation remains, and continues to be the doctrine and law of the Church to this day.

DR. LUSHINGTON.—When you say “Regeneration” and “Baptism” are convertible terms, do I understand you to mean that there could be no such thing as Regeneration independent of Baptism? You say they are convertible terms.

MR. BADELEY.—I say they are frequently used as convertible terms by the early Fathers.

DR. LUSHINGTON.—I must put this case to you. Take the Baptism of an adult, who has neither faith nor repentance, and he afterwards has faith and repentance, would you say that regeneration would take place then?

MR. BADELEY.—Regeneration, I should say, would take place then.

DR. LUSHINGTON.—According to the doctrine of the Church, even without “faith and repentance?”

MR. BADELEY.—The adult would not receive the full benefit of the Sacrament; he would not receive remission of sin; but regeneration, as I understand the doctrine of the Church, he would receive. But the case of adults is not now the question before the Court; and whatever may be the language of the Church—whatever may be its doctrine, with respect to adults—one uniform, clear, and precise doctrine has always been held respecting the case of Infants, and there has been no difference at all about it in any period, or in any portion, of the Church; all hold the same language, and the Liturgies and Formularies both of the Western and

the Eastern Church are in remarkable harmony on this subject. Perhaps, my Lords, I can scarcely express better or more completely the mind of the Church of England on this subject of tradition, than in the words of one of our greatest poets, in one of his best performances :—

“Not that tradition’s parts are useless here,
When gen’ral, old, disint’rested and clear :
That ancient fathers thus expound the page,
Gives truth the reverend majesty of age ;
Confirms its force by bideing every test,
For best authorities, next rules, are best ;
And still the nearer to the spring we go,
More limpid, more unsoil’d, the waters flow.”

I believe that is precisely the view which the Church of England professes to take ; and as it accords with that passage which I have read from Bishop Jewell’s Apology, so it is also that which has been adopted ever since.

THE VICE-CHANCELLOR KNIGHT BRUCE.—Are not those Dryden’s lines ?

MR. BADELEY.—Yes, my Lord, in the “Religio Laici.”

THE VICE-CHANCELLOR KNIGHT BRUCE.—Was that written before or after he went over to the Church of Rome ?

MR. BADELEY.—Before, and when he was a very attached member of the Church of England. My Lords, we have authority for looking to antiquity in one or two public documents, which are of importance ; for in the Canons which were made in the year 1571, in that very Convocation which ratified the Thirty-nine Articles, we have this in the directions to Preachers :—

“Imprimis vero videbunt, ne quid unquam doceant pro concione, quod a Populo religiose teneri et credi velint, nisi quod consentaneum

sit doctrinæ Veteris aut Novi Testamenti, *quodque ex illâ ipsâ doctrinâ Catholici Patres et veteres episcopi collegerint.*"

Here, then, is the same Convocation which ratified the Articles pointing to antiquity, in connection with Scripture, as the true source of doctrine. This Convocation, therefore, could not suppose, (far from it) that the Articles were at all inconsistent with the doctrine of the early Church; they must have regarded the Articles as exponents of that doctrine, or at least in perfect harmony with it; or else they would have been stultifying themselves, by referring to such authority. And that is the rule to which the Preachers are directed to conform themselves, in their instruction of the people as to their faith as well as their practice. Again, we have, in the directions given to the Bishops by the Lords of the Council in the year 1582, with a view to their disputations with the Jesuits and Seminary Priests, a similar rule laid down.

BARON PARKE.—Where are those found?

MR. BADELEY.—I take the passage from "Brett on Tradition." He refers in the first chapter to this order of Council in 1582:—

"If the latter" (that is the Jesuits and Seminary Priests) "shall show any ground of Scripture, and wrest it to their sense, you shall call for the interpretation of the Old Doctors, such as were before Gregory I., for that in his time began the first claim of the supremacy by the Patriarch of Constantinople, and shortly after was usurped by the Bishop of Rome."

So that in these we have public directions by authority as to the rule to which parties are to conform—there is that of Convocation with reference to the Clergy in their preaching, and there is this of the Council with reference to public controversies and disputations; and therefore there is plenty

of authority, as I conceive, for appealing to the early Church, for the Church and State both send us to the same source. No doubt it was the case, in all the disputations which were held about the period of the Reformation, to appeal to primitive doctrine and tradition. In one of the Statutes of Elizabeth (Stat. 1 Eliz., c. 1) there is a direction as to what is to be regarded as heresy, and that is to be judged by the authority of the first four General Councils, or any of them, and any other General Councils which declare it heresy in the words of Scripture.

We come therefore, my Lords, under such sanction, to the ancient Church, and to primitive and Catholic tradition ; and I think we shall see beyond question that these prove the doctrine of Baptism as the Church of England holds it, and that regeneration and adoption, the remission of sins and spiritual grace, were the benefits which the Church always regarded as given and conveyed by Baptism.

But perhaps, my Lords, I shall save time, if I am permitted to enter upon this branch of the subject to-morrow morning, rather than at this late hour of the day.

(*Adjourned.*)

Privy Council, Tuesday, Dec. 18, 1849.

MR. BADELEY.—My Lords, when I concluded my address to your Lordships yesterday, I was about to call your attention to the doctrine held by the Primitive Church, on the subject of Baptismal Regeneration. I propose now to resume the argument from that point, and to endeavour to satisfy your Lordships, that the doctrine, which I have shown to be contained in the Articles and Formularies of the Church of England, is identical with that which was held by the Church of the Fathers; that it was handed down in its original form to the English Church at the earliest period of the existence of that Church; and that it continued there without alteration to the time of the Reformation. I shall thus trace the doctrine chronologically to that important era in the history of the Church; and having examined what then took place, and shown that it was most fully asserted and maintained by those, who were the chief agents in the alteration of our Formularies, and in the preparation of our Articles, I shall lodge it finally, in its pristine purity, where I trust that I have already convinced your Lordships that it is lodged, in the Articles and Formularies of our Church. And I think, my Lords, that when this is done, the argument will be complete; and if it appears that Mr. Gorham holds doctrines, inconsistent, in any degree, with that belief which has thus come down to us in its integrity from the remotest ages, then he is to be regarded as a person whose religious opinions are unsound, and contrary to the true faith of the Church, and consequently that he is unfit to be instituted to any benefice.

Now, my Lords, it will probably not be necessary to detain your Lordships very long, in proving what was the belief of the early Church upon this subject, for the only real difficulty that one feels in entering upon it is the difficulty of selection, as there is scarcely one of the ancient Fathers, in the first and purest ages of the Church, whose works do not, more or less, assert the doctrine in question, or who does not dwell on the effects and efficacy of Baptism ; and your Lordships will find, that in all the passages in the writings of the Fathers which relate to the subject of Baptism, no distinction whatever is made in the beneficial effects of that holy Sacrament, whether administered to infants or to adults ; that whatever benefits are spoken of as given to adults, who come with faith and repentance, the same are equally admitted to be given as fully to infants, according to their need and condition ; that they receive these benefits in and by the Sacrament alone, and that no “prevenient grace” is ever recognised.

It is remarkable how the Fathers, when they advert to the subject of Baptism, seem to raise their tone, and to acquire a force of language, and a glow of eloquence, contrasted in many respects with their dryer and more laboured teaching upon other matters. They seem so fully impressed with the importance, the efficacy, and the virtue of this Sacrament, that they almost want words to express the dignity and the privileges which it confers upon the receiver. And I think, my Lords, that we shall see in the English Church, in its earlier periods and at that of the Reformation, that the same truth was felt with the same earnestness, and taught as fully, by those who took part in the changes of that day, as it had been in the better and brighter ages of the Church. And this too, my Lords, you will find in the ancient writers, that those who treat of Baptism as administered to Infants, and of Infants as capable of receiving it, all speak

at the same time of Regeneration as one of the benefits which it conferred; and therefore those passages which have been cited by modern authors, in proof of the fact of Infant Baptism in the early Church, prove also the doctrine of the Baptismal Regeneration of Infants. Your Lordships will see this very clearly in a work written expressly upon Infant Baptism, which contains an excellent collection of the statements of a great many of the principal Fathers. I allude to the work of Wall "On Infant Baptism," in the first volume of which there is a collection of passages bearing upon this important subject. Wall writes in order to prove that Infant Baptism was the practice of the primitive Church, and he adduces these passages for this purpose; but his extracts go further than this, and show, as I have already stated, the effect and efficacy of that Sacrament upon Infants.

There is another writer of the English Church to whom my learned friend Dr. Addams referred,—Bingham, who, in his most valuable and learned work, "The Antiquities of the Christian Church," has, in the 11th Book, a great deal upon the subject, and a summary of the opinions of many of the earlier Fathers. He begins, as does Wall, with some of the first in the Apostolic age; he refers to Hermas and to Clemens; and I will now cite from Hermas a passage, which is quoted by Wall, at page 50 of his first volume. The writer describes the Church under the image of a Tower, or a Building; and he says,—

"Necesse est, inquit, ut per aquam habeant ascendere, ut requiescant: non poterant enim aliter in regnum Dei intrare, quam ut deponerent mortalitatem prioris vitæ. Illi igitur defuncti sigillo Filii Dei signati sunt, et intraverunt in regnum Dei. Antequam enim accipiat homo nomen Filii Dei, morti destinatus est: at ubi accipit illud sigillum, liberatur a morte, et traditur vitæ. Illud autem sigillum aqua est, in quam descendunt homines morti obligati, ascendunt vero vitæ assignati. Et illis igitur prædicatum est illud sigillum, et usi sunt eo, ut intrarent in regnum Dei.

“ Et dixi, Quare ergo, Domine, illi quadraginta lapides ascenderunt cum illis de profundo, jam habentes illud sigillum? et dixit, Quoniam hi Apostoli et doctores, qui prædicaverunt nomen Filii Dei, cum habentes fidem ejus et potestatem defuncti essent, prædicaverunt his qui ante obierunt: et ipsi dederunt eis illud signum. Descenderunt igitur in aquam cum illis, et iterum ascenderunt. Sed hi vivi descenderunt: at illi qui fuerunt ante defuncti, mortui quidem descenderunt, sed vivi ascenderunt. Per hos igitur vitam receperunt, et cognoverunt Filium Dei; ideoque ascenderunt cum eis, et convenerunt in structuram turris. Nec circumcisi, sed integri ædificati sunt, quoniam æquitate pleni cum summa castitate defuncti sunt: sed tantummodo hoc sigillum defuerat eis. Habes horum explanationem.”—Hermas Pastor., Lib. 3, Similitud. 9, c. 16.

Here then, in the age of the Apostles, we have a clear allusion to the effect of Baptism generally, and to Regeneration particularly, as the immediate result of this Sacrament.

I need not detain your Lordships with further passages from this writer, though there are others which might be cited: but I will turn to one in the works of Justin Martyr, one of the earliest of the Fathers, which is also quoted by Wall in his 2nd chapter—Wall gives the quotation in the Greek, and then a translation—I will read the translation, which is this:—

“ I will now declare to you also after what manner we, being made new by Christ [or baptized], have dedicated ourselves to God;—lest, if I should leave out that, I might seem to deal unfairly in some part of my apology. They who are persuaded and do believe that those things which are taught by us are true, and do promise to live according to them, are directed first to pray, and ask of God, with fasting, the forgiveness of their former sins: and we also pray and fast together with them. Then we bring them to some place where there is water; and they are regenerated by the same way of regeneration by which we were regenerated; for they are washed with water in the name of God, the Father and Lord of all things, and of our Saviour Jesus Christ, and of the Holy Spirit. For Christ says, ‘ Unless ye be regenerated, ye cannot enter into the kingdom of Heaven:’ and everybody knows it is impossible for those that are once generated (or born) to enter again into their mother’s womb.

“ It was foretold by the Prophet Isaiah, as I said, by what means they who would repent of their sins might escape them; and was

written in these words : ' Wash you, make you clean, put away the evil,' &c.

" And we have been taught by the Apostles this word (or this reason) for this thing : because we, being ignorant of our first birth, were generated by necessity (or course of nature) of the humid seed of our parents mixing together, and have been brought up in ill customs and conversation ; that we should not continue children of that necessity and ignorance, but of will (or choice) and knowledge, and should obtain forgiveness of the sins in which we have lived, by water (or in the water). There is invoked, over him that has a mind to be regenerated, the name of God, the Father and Lord of all things, &c. And this washing is called the enlightening," &c.

This passage occurs in the Apology of Justin Martyr addressed to Antoninus Pius (pages 79 and 80 of the Benedictine edition of St. Justin's works, Paris, 1747). It applies to the doctrine of Baptism generally, though St. Justin is speaking more particularly of the Baptism of adults.

In St. Irenæus, a writer of the second century, there is allusion expressly made to infants as well as adults :—

" *Magister ergo (speaking of our Lord) existens Magistri quoque habebat ætatem. Non reprobus nec supergrediens hominem, neque solvens legem in se humani generis ; sed omnem ætatem sanctificans per illam quæ ad ipsum erat similitudinem. Omnes enim venit per semet ipsum salvare ; omnes, inquam, qui per eum renascuntur in Deum ; infantes, et parvulos, et pueros, et juvenes, et seniores. Ideo per omnem venit ætatem ; et infantibus infans factus, sanctificans infantes ; in parvulis parvulus, sanctificans hanc ipsam habentes ætatem, simul et exemplum illis pietatis effectus, et justitiæ, et subjectionis : in juvenibus juvenis, exemplum juvenibus fons et sanctificans Domino.*"

This passage is cited by Wall in his 3rd chapter, and is in the Benedictine edition of St. Irenæus, *Contra Hæreses*, lib. 2, c. 22, s. 4.

Upon this passage there is a remark made by Bingham in the 11th book of his '*Ecclesiastical Antiquities*,' chapter 4, s. 9, where, in speaking of Irenæus, he says :—

" Now there are three things relating to this matter which appear very evident from him : 1st, That the Church then believed the doc-

trine of original sin ; 2nd, That the ordinary means of purging away this sin was Baptism ; 3rd, That children, as well as others, were then actually baptized to obtain remission of sins, and apply the redemption of Christ to them."

Then he adds afterwards :—

" Now the ordinary way of being freed from this original guilt, he (St. Irenæus) says, is Baptism, which is our Regeneration, or new birth unto God (' τοῦ βαπτίσματος, τῆς εἰς Θεὸν ἀναγεννήσεως '); and this he expressly affirms to be administered to children as well as adult persons ; for, says he, Christ came to save all persons by Himself—all, I say, who by Him are regenerated unto God—infants, and little ones, and children, and youths, and elder persons. Therefore He went through the several ages, being made an infant for infants, that he might sanctify infants ; and for little ones he was made a little one, to sanctify them of that age also. No art," continues Bingham, " can elude this passage, so long as it is owned that Regeneration means Baptism ; and for this we have the explication of Irenæus himself, who calls Baptism by the name of Regeneration ; and so all the ancients commonly do, as Suicerus (against whom I am now disputing) scruples not to own, alleging Justin Martyr, Chrysostom, and Gregory Nyssen to this purpose : which fully evinces Infant Baptism, in the age of Irenæus, that is, in the second century, to have been the common practice of the Church."

And there can be no doubt, as Baptism was the practice, so also it was the doctrine of the early Church, that Regeneration took effect by Baptism.

Wall quotes also passages from Clemens Alexandrinus, who says, " When we are regenerated " (by which he plainly means here baptized) " we then have received the perfection : " and afterwards—" He that is once regenerated, as the name of that [Sacrament] is, and enlightened, has his state immediately changed." Wall thus translates these passages from the ' Pædagogue ' of St. Clement of Alexandria, lib. 1, c. 6.

There is a passage in Origen's fourteenth Homily on the Gospel of St. Luke, which asserts that infants obtain by Baptism the remission of sin—it is this :—

“Parvuli baptizantur in remissionem peccatorum. Quorum peccatorum? Vel quo tempore peccaverunt? Aut quomodo potest ulla lavacri in parvulis ratio subsistere, nisi juxta illum sensum de quo paulo ante diximus; nullus mundus a sorde, nec si unius diei quidem fuerit vita ejus super terram? Et quia per baptismi sacramentum nativitatis sordes deponuntur, propterea baptizantur et parvuli. ‘Nisi enim quis renatus fuerit ex aquâ et Spiritu, non poterit intrare in regnum coelorum.’”

This is in the 3rd volume of the Benedictine edition of Origen’s works, page 948.

St. Cyprian, as your Lordships probably know, is full of passages to the same effect; and at the time of St. Cyprian no question was raised, no difficulty was ever felt, respecting the effect of Baptism generally; the only question was, how far Heretical Baptism, or Baptism administered by persons out of the pale of the Church, was valid or invalid; as to the effect of Baptism, when received in the Church, no person ever entertained a doubt, or made any dispute at all. There is a passage in an Epistle of St. Cyprian to Jubaianus, about the year 256, in which he says:

“Neque enim parva res hæreticis et modica conceditur, quando a nobis Baptisma eorum in acceptum refertur: cum inde incipiat omnis fidei origo, et ad spem vitæ æternæ salutaris ingressio, et purificandis ac vivificandis Dei servis divina dignatio.”

And afterwards he adds,—

“Quare Baptisma nobis et hæreticis commune esse non potest, cum quibus nec Pater Deus, nec Filius Christus, nec Spiritus Sanctus, nec Fides, nec Ecclesia ipsa communis est: et ideo baptizari eos oportet qui de hæresi ad Ecclesiam veniunt: ut qui legitimo et vero atque unico Sanctæ Ecclesiæ baptismo ad regnum Dei regeneratione divinâ præparantur, sacramento utroque nascuntur, quia scriptum est, ‘nisi quis renatus fuerit ex aquâ et Spiritu, non potest intrare in regnum Dei.’”

Thus St. Cyprian attests the salutary efficacy of Baptism, regarding the greatness of its effects as a reason for denying the competency of Heretics to administer it.

Then there is St. Gregory Nazianzen, one of the most celebrated of the ancient Fathers, who flourished in the fourth century.—His testimony is very strong; there is one of his sermons or orations, upon the subject of Baptism, in which he speaks of its nature and effects generally, and in the case of Infants particularly. There is a splendid passage, which I will read from the translation, given in the first volume of the Benedictine edition of the works, at page 692:—

“Ac de duabus quidem Nativitatibus, hoc est, de primâ et ultimâ, non est nunc disputandi locus: verum de mediâ, et hoc tempore nobis necessariâ, à qua Luminum dies nomen accepit, tractabimus. Baptismus, igitur, splendor est animarum, vitæ in melius mutatio, ‘conscientiæ ad Deum interrogatio.’ Baptismus, infirmitatis nostræ adjuvmentum. Baptismus, carnis est abjectio, Spiritûs affectatio, Verbi participatio, figmenti correctio, peccati diluvium, lucis communicatio, tenebrarum oppressio. Baptismus, vehiculum ad Deum, peregrinatio cum Christo, fidei adminiculum, mentis perfectio, cœlestis regni clavis, vitæ commutatio, servitutis depulsio, vinculorum solutio, compositionis in meliorem statum conversio. Quid plura commemorare attinet? Baptismus, omnium Dei beneficiorum præclarissimum est, et præstantissimum. Etenim, ut quædam Sancta Sanctorum vocantur, et Cantica Canticorum; (quòd scilicet latius pateant ac plura complectantur, præcipuamque dignitatem habeant;) eodem modo Baptismus quoque Illuminatio dicitur, quòd omnes alias illuminationes sanctitate superet.

“Quemadmodum autem Christus, hujus doni dator, multis ac diversis nominibus appellatur, ita ipsum quoque donum varia nomina sortitur: sive id nobis ob miram quandam rei lætitiâ accidat; (fit enim ferè, ut qui rem aliquam impensissimè amant, nomina quoque ipsa libenter usurpent;) sive quòd multiplex hujus beneficii utilitas multas quoque appellationes nobis pepererit. Donum vocamus, Gratiam, Baptismus, unctionem, Illuminationem, Incorruptionis Indumentum, Regenerationis Lavacrum, Sigillum, ac denique excellentissimo quovis nomine appellamus. Donum dicitur, quia iis, qui nihil priùs contulerunt, datur. Gratia, quia etiam debentibus. Baptismus, quia peccatum in aquâ sepelitur. Unctio, quia sacer et regius. (Hæc enim erant, quæ ungebantur.) Illuminatio, quia splendor et claritas. Indumentum, quia ignominie nostræ velamen est. Lavacrum, quia abluit. Sigillum, quia conservatio est, ac dominationis obsignatio. Huic gratulantur cœli: hunc Angeli propter splendoris cognationem celebrant: hic beatitudinis illius imaginem gerit: hunc laudibus quidem et hymnis celebrare volumus, verùm pro rei dignitate non possumus.”

Then, in a subsequent part of the same Sermon, in which he is speaking of the necessity of Baptism for all ages and for all classes, he says ;

“*Infans tibi est? Ne occasionem improbitas arripiat; ab infantiâ sanctificetur, ab ipsis unguiculis Spiritui consecratur. At propter naturæ imbecillitatem sigillum metuis? Quàm imbecillis animi mater es pusillæque fidei! Anna verò Samuelem, priùs etiam quam procreatus esset, Deo vovit; atque in lucem editum statim consecravit, ac cum sacerdotali stolâ educavit; nihil humani verita, sed Deo fidem habens. Nihil tibi amuletis, nec incantamentis opus est, quibuscum pravus ille in leviorum hominum animos simul irrepit, venerationem Deo debitam furtim ad se transferens. Trinitatem ipsi da,—magnum, inquam, illud et pulchrum amuletum.*”

It is hardly necessary, my Lords, after such passages as these, to adduce further evidence of what was the doctrine and the practice of the early Church—but the sum and substance of this evidence may be found in the treatises of St. Augustine, who above all the Fathers, from the peculiar circumstances of his time, dwells largely upon the subject of Baptism, and upon the Baptism of Infants more especially; because, as your Lordships know, the controversies which then occurred with the Pelagians and the Donatists brought out very fully the Catholic doctrine of Baptism, and the Pelagian heresy more especially led St. Augustine to apply that doctrine in the case of Infants.—I shall therefore refer your Lordships to a few passages in St. Augustine’s works, selecting some only from a far greater number.

But before I proceed to St. Augustine, I will call your attention to a Father, whose works I cited yesterday for another purpose, St. Zeno, who, as I stated, is of great antiquity, not later than the fourth century; there are several sermons or treatises of his expressly upon Baptism, and many of them addressed to those who had just been baptized, and in one of these, the forty-third (at page 246 of the Verona edition), he says :

“*Æthereæ gentes exultate, novella pignora in Christo, florentissimi-que hodierni spiritalis ortus vestri candorem ne quo pacto maculetis, perpeti diligentiam custodite; quia nescit iterare quod præstat.—Ecce pueri, adolescentes, juvenes, senes, utriusque sexûs, qui eratis rei, eratis et immundi, mundanâ nativitate, contra omni reatu jam liberi, mundi estis infantes: et, quod est admirabile et gratum, subito uno momento facti ætatibus diversis æquævi.—Sed curiositatem vestram bene novi veteris vitæ usurpatione; quod quidem nobis ulterius non licebit. Fortassis requiratis et a nobis, quâ geniturâ, quove signo, tam diversos, tam plures, uno partu vestra vos peperit mater. Sicut parvulis morem geram, sacrique horoscopi pandam tota brevitate secreta.*”

A remarkable passage this, as it shows how completely the writer recognized the effects of Baptism, as being identical in Infants and Adults; he treated the recipients as all born together, as being then made coeval, dating their spiritual birth from their Baptism, whether they were Infants or Adults; and whatever they were, their Christian life commenced with their Baptism. In addition to these passages from the Fathers, I may perhaps as well refer now to a decision of one of the most ancient Councils, that of Carthage, which was held in the year 253, and affords important evidence of the primitive doctrine, as affirmed by the public authority of the Church.—I refer to it in Harduin's *Concilia*, volume 1st, page 147,—and it also occurs in Routh's *Reliquiæ Sacræ*, volume 3rd, page 74. It is this,—

“*Quantum vero ad causam infantium pertinet; quos dixisti intra secundum vel tertium diem quo nati sint constitutos baptizari non oportere, et considerandam esse legem circumcisionis antiquæ, ut intra octavum diem eum qui natus est baptizandam et sanctificandam non putares, longe aliud in concilio nostro omnibus visum est.*”

The question had been raised, whether Infants were to be baptized before the eighth day. Circumcision having been directed on the eighth day, it was doubted whether Baptism should be performed sooner; the propriety of baptizing them on or after that day was admitted, but the Council deter-

mined that the eighth day was not to be waited for. It thus proceeds :—

“In hoc enim quod tu putabas esse faciendum nemo consensit, sed universi potius judicavimus nulli homini nato misericordiam Dei et gratiam denegandam. Nam cum Dominus in evangelio suo dicat, ‘Filius hominis non venit animas hominum perdere, sed salvare,’ quantum in nobis est, si fieri potest, nulla anima perdenda est. . . Sed illic æqualitas divina et spiritalis exprimitur, quod pares atque æquales sint omnes homines, quando a Deo semel facti sunt, et possit ætas nostra in incrementis corporis secundum sæculum, non secundum Deum, habere discrimen; nisi si et gratia ipsa, quæ baptizatis datur, pro ætate accipientium vel minor vel major tribuitur, cum Spiritus Sanctus, non de mensurâ, sed de pietate atque indulgentiâ paternâ, æqualis omnibus præbeatur. Nam Deus, ut personam non accipit, sic nec ætatem, cum se omnibus ad cœlestis gratiæ consecutionem æqualitate librâtâ præbeat patrem.”

The decree at length concludes thus :

“Propter quod neminem putamus a gratiâ consequendâ impediendum esse, eâ lege quæ jam statuta est, nec spiritalem circumcisionem impediiri carnali circumcisione debere, sed omnem omnino hominem admittendum esse ad gratiam Christi, quando et Petrus in Actis Apostolorum loquatur et dicat: ‘Dominus mihi dixit neminem hominem communem dicendum et immundum.’ Cæterum si homines impedire aliquid ad consecutionem gratiæ posset, magis adultos et provectos et majores natu possent impedire peccata graviora. Porro autem, si etiam gravissimis delictoribus et in Deum multum ante peccantibus, cum postea crediderint, remissa peccatorum datur, et a baptismo atque a gratiâ nemo prohibetur, quanto magis prohiberi non debet infans, qui recens natus nihil peccavit, nisi quod secundum Adam carnaliter natus contagium mortis antiquæ primâ nativitate contraxit, qui ad remissam peccatorum accipiendam hoc ipso facilius accedit quod illi remittuntur, non propria, sed aliena peccata. Et ideo, frater carissime, hæc fuit in concilio nostra sententia, a baptismo atque a gratiâ Dei, qui omnibus misericors et benignus et pius est, neminem per nos debere prohiberi. Quod cum circa universos observandum sit atque retinendum, tum magis circa infantes ipsos et recens natos observandum putamus, qui hoc ipso de ope nostrâ ac de divinâ misericordiâ plus merentur, quod in primo statim nativitatis suæ ortu plorantes ac flentes nihil aliud faciunt quam deprecantur.”

It well deserves to be noticed how precisely this language of the Council of Carthage corresponds with our Article, which says that

“ The Baptism of young children is in anywise to be retained in the Church, as most agreeable with the institution of Christ.”

It shows that infants are peculiarly fit, more so even than adults, for receiving the full benefits of this Sacrament, and that they do receive them; and, taking it altogether, I think a more complete verification of the doctrine held by the Church of England, as I ascertained it yesterday, and as it stands even in our Articles alone, could not be adduced.

I need not trouble your Lordships with other Councils; but there is one rather later, about the year 416, the Council of Milevis, the Canons of which may be found in the same volume of Harduin, page 1217; and the second of these I will crave leave to read:—

“ Item placuit, ut quicumque parvulos recentes ab uteris matrum baptizandos negat; aut dicit, in remissionem quidem peccatorum eos baptizari, sed nihil ex Adam trahere originalis peccati, quod regenerationis lavacro expietur: unde fit consequens ut in eis forma baptismatis, in remissionem peccatorum, non vere, sed false intelligatur; anathema sit. Quoniam non aliter intelligendum est quod ait Apostolus: ‘ Per unum hominem peccatum intravit in mundum, et per peccatum mors; et ita in omnes homines pertransiit, in quo omnes peccaverunt;’ nisi quemadmodum ecclesia catholica ubique diffusa semper intellexit. Propter hanc enim regulam fidei, etiam parvuli, qui nihil peccatorum in semetipsis adhuc committere potuerunt, ideo in peccatorum remissionem veraciter baptizantur, ut in eis regeneratione mundetur quod generatione traxerunt.”

Thus therefore we see, that by the full authority of the Church, by public Councils as well as by private writers, the same doctrine is uniformly professed, and infants are declared to be regenerated by Baptism, and admitted at once to all the privileges of the Gospel. Not one word,

my Lords, will you discover in any single Council, or in any ancient writer, about “prevenient grace” as necessary to render the Baptism of Infants effectual; nothing further is wanted than the mere condition of the infant, in his freedom from actual sin, to make him a worthy receiver. The Church denounces, in the strongest manner, and by repeated sentences, those who refuse to bring their children to Baptism, and certainly never can have supposed that they could by any possibility come unworthily, or fail to obtain the blessing.

And now, my Lords, I believe it will not be necessary for me to refer to any other of the Fathers than St. Augustine, who is in point of fact a host in himself; and who, as I have already stated, was led by the very circumstance of the times in which he lived, and the controversies in which he was engaged, to the consideration of the doctrine in question. I have here the tenth volume of the works of St. Augustine, the Benedictine Edition, published at Venice in 1733, and in this there are numbers of passages—I shall not trouble your Lordships with many, because a few will suffice for my purpose. In this Volume, at page 7, in the Treatise “De Peccatorum Meritis et Remissione,” he says,—

“Hæc enim gratiâ baptizatos quoque parvulos suo inserit corpori, qui certe imitari aliquem nondum valent. Sicut ergo Ille in quo omnes vivificantur, præter quod se ad justitiam exemplum imitantibus præbuit, dat etiam sui Spiritus occultissimam fidelibus gratiam, quam latenter infundit et parvulis: sic et ille in quo omnes moriuntur, præter quod eis qui præceptum Domini voluntate transgrediuntur, imitationis exemplum est, occultâ etiam tæbe carnalis concupiscentiæ suæ tabificavit in se omnes de suâ stirpe venientes.”

So that here is evidence of the doctrine of Infants being made members of Christ, and of the Grace bestowed upon them. In the very same Treatise St. Augustine says, at page 14,—

“Vocat eos igitur Medicus, qui non est opus sanis, nec venit vocare justos, sed peccatores in poenitentiam. Et ideo quia suæ vitæ propriæ peccatis nullis adhuc tenentur obnoxii, originalis in eis ægritudo sanatur in Ejus gratiâ qui salvos facit per lavacrum regenerationis.”

My Lords, there is another important passage in the very same page, which shows further the correspondence between St. Augustine’s doctrine and that of our own Church. The grace of perseverance, as I stated yesterday, is only treated in our Formularies as the subject of prayer and of hope. The Infants baptized may fall away. St. Augustine speaks to the same effect, and says,—

“Ceterum quis ignorat, quod baptizatus parvulus, si ad rationales annos veniens non crediderit, nec se ab illicitis concupiscentiis abstinuerit, nihil ei proderit quod parvus accepit? Veruntamen si, percepto baptisinate, de hâc vitâ emigraverit, soluto reatu cui originaliter erat obnoxius, perficietur in illo lumine veritatis, quod incommutabiliter manens in æternum, justificatos præsentîâ Creatoris illuminat. Peccata enim sola separant inter homines et Deum, quæ solvuntur Christi gratiâ, per quem Mediatorem reconciliamur, cum justificat impium.”

In the same Treatise of St. Augustine, at page 36, he says,—

“Proinde isti posteriores intuendo Scripturas, et auctoritatem totius Ecclesiæ et formam ipsius sacramenti, bene viderunt per baptismum in parvulis peccatorum fieri remissionem: sed originale esse, quidquid illud in eis est, vel nolunt dicere, vel non possunt.”

St. Augustine here vouches the authority of the Church for the doctrine of the remission of sin—that is, of original sin in infants—by Baptism. And your Lordships cannot fail to observe that in all these passages the whole grace, remission of sin, or whatever benefit is spoken of, is, as our Homily expresses it, annexed and tied to the Sacrament. In page 63, St. Augustine says:—

“Oportet igitur ut sacramento regenerationis, ne sine illo male de hâc vitâ exeat, etiam parvulus imbuatur; quod non fit nisi in remis-

sionem peccatorum. Quod etiam ipso loco Christus ostendit, cum interrogatus quomodo possent ista fieri, commemoravit quid Moyses fecerit in exaltatione serpentis; cum itaque per baptismi sacramentum morti Christi conformentur infantes, eos a serpentis morsu fatendum est liberari, si a Christianæ fidei regulâ nolumus aberrare. Quem tamen morsum non in suâ vitâ propriâ, sed in illo cui primitus inflictus est, acceperunt."

He is arguing against the Pelagians, who denied the doctrine of original sin, and he appeals to the practice of the Church in baptizing infants, as evidence of the doctrine itself.

I need trouble your Lordships with but one more passage from St. Augustine, which occurs in the same volume, page 466, in one of the Treatises against the Pelagians. It is remarkable, because it vouches all antiquity and the whole authority of the Church upon the subject:—

"Sed hoc dico, tam manifestum esse secundum scripturas sanctas originale peccatum, atque hoc dimitti lavacro regenerationis in parvulis, tantâ fidei catholicæ antiquitate atque auctoritate firmatum, tam clarâ Ecclesiæ celebritate notissimum, ut quidquid de animæ origine cujuslibet inquisitione, vel affirmatione, disseritur, *si contra hoc sit, verum esse non possit*. Quapropter, quisquis vel de animâ, vel de quâcumque re obscurâ id adstruit, unde *hoc quod verissimum, fundatissimum, notissimum est*, destruat, sive sit ille filius, sive inimicus Ecclesiæ, *aut corrigendus est, aut cavendus*."

No testimony, I think, can well be stronger, to prove the doctrine of Catholic antiquity;—no one knew it better than St. Augustine, "the best learned," as one of our Homilies calls him, "of all the ancient doctors;" and he challenges the heretics of his day to deny the assertions which he boldly makes.

There is but one more passage from St. Augustine with which I will trouble your Lordships; it is in another volume of his works, in one of his Epistles to Bonifacius (volume 2, page 263):—

“ Ut autem possit regenerari per officium voluntatis alienæ, cum offertur consecrandus, facit hoc unus Spiritus, ex quo regeneratur oblatus. Non enim scriptum est: ‘Nisi quis renatus fuerit ex parentum voluntate, aut ex offerentium vel ministrantium fide;’ sed ‘Nisi quis renatus fuerit ex aquâ et Spiritu-Sancto.’ Aqua igitur exhibens forinsecus sacramentum gratiæ, et Spiritus operans intrinsecus beneficium gratiæ, solvens vinculum culpæ, reconcilians bonum naturæ, regenerant hominem in uno Christo, ex uno Adam generatum. Regenerans ergo Spiritus in maioribus offerentibus, et parvulo oblato renatoque, communis est: ideo per hanc societatem unius ejusdemque Spiritus prodest offerentium voluntas parvulo oblato. * * * *

“ Et ideo semel perceptam parvulus Christi gratiam non amittit, nisi propriâ impietate, si ætatis accessu tam malus evaserit. Tunc enim etiam propria incipiet habere peccata, quæ non regeneratione auferantur, sed alia curatione sanentur.”

My Lords, I could occupy the whole day with quotations from the writings of St. Augustine. Every volume abounds with matter to the same effect, and I challenge my learned friends on the other side to produce a single writer who more distinctly declares any particular doctrine, than St. Augustine does the doctrine in question: he confirms most fully the doctrine of the English Church, in connecting all the grace of the Sacrament with the Sacrament itself; in attributing to it regeneration, and adoption, and the remission of sin; in giving infants an equal interest with adults in the blessings of this ordinance; and in holding the necessity of perseverance in order to secure the ultimate reward: and all this he rests upon the authority, not of Scripture only, but of Catholic tradition.

There is a follower of St. Augustine, who wrote in his defence—your Lordships are aware of the opinions entertained by St. Augustine on the subject of Predestination; and it is important to mention this at once, because it has been supposed, by many persons, that the doctrine of Predestination is inconsistent with the doctrine of Baptismal Regeneration. St. Augustine certainly did not think so, nor

did his followers; and there is a passage which I will cite from a disciple of St. Augustine, Prosper Aquitanus, which is given in the tenth volume of St. Augustine's works, at page 198 of the Appendix: the objection which he is answering is—

“ Quod ab eis, qui non sunt prædestinati ad vitam, non auferat percepta baptismi gratia originale peccatum.”

And the answer given is this:—

“ Omnis homo qui credens in Patrem, et Filium, et Spiritum-Sanctum regeneratur in baptismo, tam a propriis peccatis, quæ malâ voluntate et actione contraxit, quam ab originali, quod a parentibus traxit, absolvitur. Sed relapsus post baptismum ad infidelitatem et impios mores, qui negat originali peccato fuisse purgatum, tam falsa opinatur, quam qui eundem asserit non æternâ morte esse damnandum. Qui enim recedit a Christo, et alienus a gratiâ finit hanc vitam, quid nisi in perditionem cadit? Sed non in quod remissum est, recidit, nec in originali peccato damnabitur; qui tamen propter postrema crimina eâ morte afficietur, quæ ei propter illa quæ remissa sunt debebatur. Quod quia Dei præscientiam nec latuit, nec fefellit; sine dubio talem nunquam elegit, nunquam prædestinavit, et periturum nunquam ab æternâ perditione discrevit.”

This extract may serve to explain how the two doctrines were held together; that a person receiving the full benefit of Baptism at the time—the remission of sin, original and actual—still is not necessarily endowed with the gift of perseverance, but may afterwards fall away; and in that case will of course subject himself to that which is decreed.

Now, my Lords, I think from these passages it is pretty clear what the doctrine of the early Church was upon the subject of Baptism; and having, as I conceive, adduced enough to establish my position upon the authority of ancient writers, I will proceed to what I mentioned yesterday as a most important collateral proof, the ancient Liturgies, which display in the clearest light the doctrine

of Regeneration in Baptism : and I consider this evidence as not only most important, but also strictly legitimate in the present case, because, as your Lordships are aware, in the Commission which was issued by the Crown for the revival of the Book of Common Prayer, in the time of King Charles the Second, and under which the Savoy Conference was held, the Commissioners are expressly referred to the most ancient Liturgies, as the source from which they are to derive their alterations and amendments.

Now Martene has collected a vast number of these in his valuable work ‘*De Antiquis Ecclesiæ Ritibus* ;’ but the best collection is that of Assemani, in his ‘*Codex Liturgicus Ecclesiæ Universæ*,’ the second volume of which is confined to Baptism, and comprises an immense variety of ancient offices for the administration of that Sacrament, most of them of very early dates, many above a thousand years old—Liturgies not merely of the Western Church, but of the Eastern also, and all alike testifying the identity of the doctrine held by the whole Catholic Church upon this important subject : in reference to which I would again direct your Lordships to that remarkable passage which I quoted yesterday from Selden’s ‘*Table-Talk*,’ which vouches the Liturgies of the Church generally as the best evidence of the Church’s faith, and of the doctrines which have been held.

There is a passage in one of the Epistles of St. Cyprian, with reference to the sanctification of the water, which we shall find to form part of all these ancient services :—

Oportet ergo mundari et sanctificari aquam prius a sacerdote, ut possit baptismo suo peccata hominis qui baptizatur ablueri.”

And upon this Bishop Fell, the editor of St. Cyprian’s works, has a note, which is worthy of attention, as being that learned Prelate’s testimony to the genuineness and value of these ancient formularies :—

“ Formulæ illæ liturgicæ, quibus elementa Sacramentorum ad usus divinatorum mysteriorum separantur, hinc et aliunde apparent non tam nuperas esse quam Novatores sibi et alii persuadere satagunt.”—(S. Cypriani Epist., Oxon, 1682, p. 190.)

Now before I turn to Assemani, I will refer your Lordships for a moment to the Apostolical Constitutions, which I believe are the oldest forms extant, and which have been published in several works. They are frequently referred to by Bingham in his ‘Ecclesiastical Antiquities,’ and are undoubtedly valuable evidence. The copy which I have before me is in the first volume of the ‘Patres Apostolici’ of Cotelierius; and in the seventh book of the Apostolical Constitutions there are various prayers and formularies given, and amongst them are some connected with the administration of Baptism. At page 382 of this volume, there is a direction as to the form in which the prayer should be upon the admission of the catechumens:—

“ Qui autem manus ei imponit, adoret Deum, universorum Dominum, gratias agens pro creaturâ ejus; quod miserit Filium Suum Unigenitum Christum, ut salvet hominem, deletis iniquitatibus, utque remittat impietates ac peccata, et purget ab omni inquinamento carnis et spiritûs, hominemque sanctificet, secundum beneplacitum bonitatis suæ, atque indicet voluntatem suam, ac illuminet oculos cordis ejus ad consideranda mirabilia ejus; necnon manifestet ei judicia justitiæ, ut odio habeat omnem viam injustitiæ, ambulet autem viam veritatis; quò ille *dignus habeatur regenerationis lavacro, in adoptionem in Christo*; ut complantatus similitudini mortis Christi, in spe gloriosæ societatis, necetur quidem peccato, vivat autem Deo secundum mentem, sermonem, et actionem, atque annumeretur in libro viventium.”

BARON PARKE. — When do you find the first Office for Infants? you will tell us that perhaps when you come to it—I mean *expressly* for Infants?

MR. BADELEY.—The forms in the Apostolical Constitutions are general, or rather more particularly for adults, but

you will find no distinction made as to the *effects* of Baptism, which are always spoken of in the same way.

LORD CAMPBELL.—That seems to denote what is to become of the Catechumens who had reached such a state of knowledge as to be entitled to Baptism.

MR. BADELEY.—I was giving this rather as introductory to what follows, and as illustrative of what was then regarded as the effect of Baptism.

LORD CAMPBELL.—When duly received ?

MR. BADELEY.—Yes. Then at page 384 we find the form used :—

“Deinde venit ad aquam. Sacerdos autem benedicit ac laudat Dominum Deum Omnipotentem, Patrem unigeniti Dei, et gratias agit; quia misit Filium suum, qui homo fieret propter nos, ut nos salvaret; quia sustinuit ut Ille in incarnatione fieret per omnia obediens, prædicaret regnum cœlorum, remissionem peccatorum, mortuorum resurrectionem. Ad hæc adorat Ipsum unigenitum Deum post eum, et per illum gratias huic agens, quòd ille mortem pro omnibus per crucem subierit, cujus mortis figuram dedit Baptismum Regenerationis.”

Here we see Regeneration identified with Baptism; and then, after thanksgivings for the blessings of Providence, of Revelation, and Redemption, the following direction is given :—

“Ipsum ergo et nunc invocet sacerdos sub Baptismum, ac dicat; ‘Respice de cœlo, et sanctifica hanc aquam; da verò gratiam et virtutem, ut qui baptizatur, secundum mandatum Christi tui, cum eodem crucifigatur, et commoriatur, et consepeliatur, et consuscitetur in adoptionem quæ in eo fit, ut perimatur quidem peccato, vivat autem justitiæ.’ Et post hoc, cum baptizaverit eum in nomine Patris, et Filii, et Spiritûs Sancti, linat unguento,” &c.

We have nothing further of importance on this subject in the Apostolical Constitutions, and no distinct office for the

baptism of infants. I now proceed to the “Codex Liturgicus” of Assemani, and some of the forms there given seem to be particularly adapted for infants. The first which occurs is from the Sacramentary of Gelasius; and this is undoubtedly one of the oldest—its age is hardly known, but Muratori, about 150 years ago, seems to have taken it from a manuscript which was then above 900 years old.

LORD CAMPBELL.—Of what Church was it the Formulary?

MR. BADELEY.—The Western Church, my Lord; it is as old at least as the eighth century.

THE BISHOP OF LONDON.—It is older than that; there is a manuscript of it of the eighth century.

MR. BADELEY.—Very probably; that may possibly have been the manuscript from which it was taken. There is, first, the “*Benedictio Fontis*.” Your Lordships will observe that in this, as well as in the other offices, there is more than similarity—there is often almost identity with the prayers which are contained in our own Formularies:—

“*Omnipotens sempiterne Deus, adesto magnæ pietatis tuæ mysteriis: adesto Sacramentis: et ad creandos novos populos, quos tibi fons Baptismatis parturit, spiritum adoptionis emitte: et quod humilitatis nostræ gerendum est ministerio, tuæ virtutis compleatur effectus.*”

Then comes the prayer of Consecration of the Font, in which these words occur:—

“*Respice, Domine, in faciem Ecclesiæ tuæ, et multiplica in ea generationes tuas; qui gratiæ tuæ effluentis impetu lætificas civitatem tuam; Fontemque Baptismatis aperis toto orbe terrarum gentibus innovandis; ut tuæ majestatis imperio sumat Unigeniti tui gratiam de Spiritu Sancto, qui hanc aquam regenerandis hominibus præparatam arcanâ sui luminis admixtione fœcundet. Ut sanctificatione conceptâ*

ab immaculato divini Fontis utero in novam renata creaturam progenies celestis emergat : et quos aut sexus in corpore, aut ætas discernit in tempore, omnes in unam pariat Gratia Mater infantiam. Sit Fons vivus aquæ regenerans, unda purificans : ut omnes hoc lavacro salutifero diluendi, operante in eis Spiritu Sancto, perfecti purgationis indulgentiam consequantur.”

Afterwards there is this prayer :—

“Descendat in hanc plenitudinem Fontis virtus Spiritus tui, et totam hujus aquæ substantiam regenerandi fœcundet effectū. Hic omnium peccatorum maculæ deleantur. Hic natura ad imaginem tuam condita, et ad honorem sui reformata principii, cunctis vetustatis squaloribus emundetur. Ut omnis homo hoc Sacramentum regenerationis ingressus, in verâ innocentia novâ infantia renascatur. Per Dominum nostrum Jesum Christum Filium tuum : qui venturus est in Spiritu Sancto judicare vivos et mortuos et sæculum per ignem.”

Then comes the administration of the Baptism itself, and immediately afterwards is this benediction in administering the Chrism :—

“Deus Omnipotens, Pater Domini nostri Jesu Christi, qui te regeneravit ex aqua et Spiritu Sancto ; quique dedit tibi remissionem omnium peccatorum : ipse te linit Chrisma salutis in Christo Jesu Domino nostro in vitam æternam.”

Your Lordships have thus before you prayers for Regeneration in Baptism, the Sacrament administered, and the assertion made immediately afterwards by the Church, that Regeneration and Remission of Sins have been effected by means of that Sacrament, quite in harmony with our own formularies, where the prayers at the commencement are for Regeneration, the administration of the Sacrament follows, and immediately afterwards the party is pronounced Regenerate.

In the same volume of Assemani, page 6, there is another order for the administration of Baptism, of about the same

age, which is also given by Martene. The prayer which follows the Baptism is—

“Omnipotens sempiterne Deus, qui regenerasti Famulum tuum ex aquâ et Spiritu Sancto, quique dedisti ei remissionem omnium peccatorum ; tribue ei continuam sanitatem ad agnoscendam unitatis tuæ veritatem.”

The doctrine is precisely the same.

Again, in another order of the Gallican Church for the administration of Baptism, at page 34, there is an address to the congregation :—

“Oremus ergo Dominum et Deum nostrum, ut sanctificet hunc fontem ; ut omnes qui descenderint in hunc fontem, faciat eis lavacrum Beatissimi regenerationis in remissione omnium peccatorum ;”

And afterwards this prayer :—

“Respice, Domine, super has aquas ; quæ præparatæ sunt ad delenda hominum peccata. Angelum pietatis tuæ his sacris fontibus adesse dignare : vitæ prioris maculas abluat, et parvum habitaculum sanctificet tibi ; procurans ut Regenerandorum viscera æterna florescant : et vere Baptismatis novitas reparetur. Benedic, Domine, Deus noster, hanc creaturam aquæ : et descendat super eam virtus tua : desuper infunde Spiritum tuum Sanctum Paraclytum, Angelum veritatis. Sanctifica, Domine, hujus laticis undas, sicut sanctificasti fluentia Jordanis : ut qui in hunc fontem descenderint, in nomine Patris, et Filii, et Spiritus Sancti, et peccatorum veniam, et Sancti Spiritûs infusionem consequi mereantur.”

Then a prayer is directed to be offered for the baptized—

“Ut cum in majestate suâ Salvator advenerit, cujus regeneravit ex aquâ et Spiritu Sancto, faciat eos ex æternitate vestire salutem.”

At page 40 of this volume there is another form, above a thousand years old—I believe of the seventh century—where the prayer is—

“Ut hic Spiritum Sanctum in aquam hanc supermittere digneris, ut quoscunque baptizaverimus in nomine tuo et Filii tui Dei ac Domini nostri Jesu Christi et Spiritûs Sancti, purificans ac regenerans accipias eos in numero Sanctorum tuorum.”

The same doctrine! Nothing can be more fully brought out than it is. Then there is another immediately afterwards, which is of the Church of Milan, to the same effect. I need not trouble your Lordships with reading all these forms—it will be sufficient to mark the principal—all are to the same effect, and speak of Regeneration as the gift of Baptism. There is one of the ninth century, of the Church of Poitiers, in which a hymn is introduced, expressive of this doctrine—indeed every page attests it.

LORD CAMPBELL.—When do you find first a distinct office for the Baptism of Infants?

MR. BADELEY.—There are several in this volume, and there is no difference in the doctrine, whether the office is for infants or for adults—Regeneration and Remission of Sin are the benefits conveyed by the Sacrament. At page 43 of this volume there is the ‘*Ordo Baptismi Parvulorum*,’ used in the Church of Milan, in which the prayer before the administration is—

“*Da ut hunc ignarum mali parvulum Unigeniti tui signo sanctæ crucis tueatur inscriptio; tuus sit, tibi adolescat, te timeat, te diligat, te Creatorem suum semper agnoscat, et ad sanctum lavacrum regenerationis, Te deducente, perveniat.*”

THE VICE-CHANCELLOR KNIGHT BRUCE.—Are there distinct services in the Roman Church at present?

MR. BADELEY.—Yes, in the “*Rituale Romanum*” there are distinct forms for Infants and for Adults. The Services which I have here are from different parts of the Western Church, Gallican, Italian, and Spanish; and there are also many from the Eastern Church. I will turn to one of ancient date from Syria (page 75 of this volume of Assemani), where the prayer is,—

“Descendat in hanc plenitudinem fontis virtus Spiritûs Sancti—to-tamque hujus aquæ substantiam regenerandi fecundet effectu.”

And immediately after the administration, the baptized person is addressed with the words,—

“Deus Omnipotens, Pater Domini nostri Jesu Christi, *qui te regene-ravit*,”—&c.

referring of course exclusively to the Baptism as the means of Regeneration. Some of these forms are adapted to the case of persons baptized in infancy or in sickness; and in the event of uncertainty whether they had been rightly bap-tized or not, there is an hypothetical form of Baptism, just as our Church authorises in the office of Private Baptism.

Then in page 129 there is the order of the Administration of Baptism in the Church of Constantinople; and in the first prayer I find this:—

“Ut sanctificetur hæc aqua virtute, et operatione, et adventu Spiritûs Sancti, Dominum precemur. Ut in eam redemptionis gratia, et Jor-danis benedictio mittatur. Ut virtus purgativa supersubstantialis Trinitatis his aquis insideat. Ut lumine cognitionis et pietatis per Spiritûs Sancti adventum per eam illuminemur: Ut fiat depulsio om-nium insidiarum inimicorum, tam visibilium quam invisibilium. Ut baptizandus in eâ regno immortalis dignus fiat. Pro eo qui nunc ad sanctam illuminationem accedit, et pro salute ejus. Ut filius lucis, et hæres æternorum bonorum fiat. Ut complantetur, et particeps mortis et resurrectionis Christi Dei nostri fiat. Ut baptismi stola, et Spiritus arrha pura et immaculata, in tremendo Christi Dei nostri die, illi con-servetur. Ut regenerationis lavacrum fiat ei aqua hæc, in peccatorum remissionem, et incorruptionis indumentum.”

And, in a prayer which follows just afterwards, we have these words:—

“Tu, omnium Domine, aquam redemptionis renuncia illam sanctifica-tionis aquam, carnis et spiritûs expiationem, vinculorum relaxationem, delictorum remissionem, animarum illuminationem, regenerationis lava-crum, spiritus renovationem, adoptionis gratiam, incorruptionis indu-mentum, vitæ fontem.”

Very much like the passage I read to your Lordships from St. Gregory ; and then the prayer runs :—

“Tu nobis supernam et iteratam desuper nativitatem per aquam et Spiritum contulisti ; appare, Domine, etiam in hâc, et baptizandum in eâ transmuta, ut veterem hominem qui ob seductionis concupiscentias corruptus erat deponat ; et novum, qui secundum imaginem creantis eum renovatur, induat ; ut similitudini mortis ejus per baptismum complantatus, resurrectionis particeps fiat,” &c.

In most of these forms of the Greek Church, you will find, almost immediately after the administration of the Baptism, the Psalm, or a portion of the Psalm, is given, which begins,

“Beati quorum remissæ sunt iniquitates, et quorum tecta sunt peccata.”

“Blessed are they whose iniquities are forgiven, and whose sins are covered.” Thus affording evidence of the belief of the Greek Church as to the immediate and contemporaneous effect of the administration of Baptism in removing all sin.

Then we have the order in the Alexandrian Church, and the Ethiopian, all to the same effect. There is first the prayer,—

“Emitte sanctam virtutem tuam super hoc baptisma, quæ famulum tuum corroboret, ipsumque disponat, ut sanctum regenerationis baptismum recipere valeat, in remissionem peccatorum suorum, et in spem inamissibilem.”

And then the sanctification of the water, in which is said,—

“Da illi robur, ut fiat aqua vivifica—aqua sanctificans—aqua expians peccata—aqua lavacri regenerationis—aqua adoptionis Filiorum.”

After the Service, there is a form to be used in pouring off the water that has been consecrated, which strongly marks the sense of the Greek Church of Baptism :—

Tu ipse Dominator noster per gratiam Christi tui, et per illapsum

Spiritus tui Sancti hanc aquam consecrasti, unde famulo tuo in eâ baptizato facta est regenerationis lavacrum, et renovatio post vetustum errorem, quâ Divinitatis tuæ lumine illustratus est," &c.

In all these forms of the Eastern Church there is great similarity of expression, and perfect identity of doctrine. We find the Chaldean and Malabar form at page 211; then an ancient service of the Church of Antioch, where (at page 222) there is this prayer:—

"Revelare, Domine, super aquas istas, et da, ut immutentur ii, qui in ipsis baptizantur, ut veterem quidem hominem, qui concupiscentiis erroris corrumpitur, exuant; induant vero illum novum, qui renovatur in scientiâ secundum imaginem Ejus, qui creavit."

Some of these offices are more particularly for children.

BARON PARKE.—And is there any prayer afterwards?

MR. BADELEY.—Yes; there are prayers and thanksgivings after the administration, and all expressive of the fact that regeneration *has been given*, that the remission of sin actually is complete, and all the blessings are referred to the Sacrament.

LORD CAMPBELL.—Will you be good enough to read one of them?

MR. BADELEY.—Here is one (page 237):—

"Expande alas tuas, sancta Ecclesia, et simplicem agnum suscipe, quem Spiritus Sanctus ex aquis Baptismi genuit."

This occurs in a form of the Church of Jerusalem. Again, in a Syrian form, which is given immediately afterwards, there are the same words, and then this address to the baptized person,—

“Salve novus agnus, filius ex baptismo genitus, quem ex aquis genui in nomine Trinitatis.”

And in this same Office, before the administration, there is this prayer :—

“Coram matre vitæ, et fonte mystico, qui generat alitque plantas spirituales ac cœlestes : supplicamus tibi, Domine, ut largiaris nobis donum Unigeniti Filii tui Sancti : et offeramus tibi munera laudis, fructus labiorum confitentium nomini tuo sancto, in hac horâ.”

In another shorter Syrian form which follows, there is this prayer, immediately after the person has been baptized :—

“Deus, qui redemptionem per Christum tuum tribuisti nobis, et dedisti huic famulo tuo, qui baptizatus est, regenerationem per Spiritum tuum Sanctum : Tu, Domine, hominum amator, adjuva et conserva eum in sanctitate, fulgentem lumine tuo, et coram sacro Altari tuo adstantem : dignum effice eum beatitudine tuâ cœlesti ; quoniam gloriosum est nomen tuum semperque benedictum. Amen.”

Again, towards the end of this volume of Assemani, there is this prayer from a Syrian ritual :—

“Benedictus es, Domine Deus, qui mundasti, et sanctificasti has aquas per virtutem Trinitatis gloriosæ, ut fierent venter novus generans filios Spirituales.—Quæsumus, Domine, Deus fortis, fac, ut illi qui descendit, et baptizatur in eis, sint ad remissionem debitorum, veniam peccatorum, et benedictam resurrectionem ex mortuis, ac in vitam novam in regno cœlorum.”

Several of these Formularies are given in Martene, in the work to which I have already referred, ‘De Antiquis Ecclesiæ Ritibus ;’ and some in Goar’s ‘Rituale Græcorum ;’ and in one of the Services in Goar’s work there is this Prayer of Thanksgiving after the administration :—

“Benedictus es, Domine, Deus omnipotens, fons bonorum, Sol justitiæ, qui per Unigeniti Filii tui et Dei nostri apparitionem, velut

salutis sol iis qui in tenebris erant illuxisti, et nobis indignis beatam purgationem in vivificâ unctione contulisti: qui et nunc recens illuminatum servum tuum per aquam et Spiritum, peccatorum sponte atque etiam indeliberate commissorum remissione ei concessâ, regenerare voluisti: Ipse Domine, Rex omnium benigne, signaculum doni sancti et omnipotentis et adorandi tui Spiritus, et Sancti corporis et pretiosi sanguinis Christi tui communionem, ei largire. In sanctitate tuâ custodi illum, in verâ fide confirma, à maligno, et omnibus ejus astutiis, illum erue: et salutari tuo timore, in puritate et justitiâ, animam illius custodi: ut in omni verbo et opere tibi placitus filius et hæres evadat regni coelestis."

Those are the principal formularies of Baptism, and most important are they as testimonies of the universal faith of the Church, of the doctrine held everywhere throughout all Christendom; they prove incontestably, that the full benefit of regeneration, of remission of sin, of adoption and grace, was always held everywhere to be conferred alike on infants and on adults, in and by this Sacrament, "*tanquam per instrumentum*," as our Articles express it. All Churches speak the same language, and I defy any person to adduce evidence more cogent, or more conclusive, of Catholic consent to any doctrine.

DR. LUSHINGTON.—Now, Mr. Badeley, do they come to anything beyond this, that Baptism is always presumed to be accompanied by the Grace of God, and consequently Baptism with the Grace of God effects Regeneration; is not that the result of them? There is nothing there to separate Baptism as an "*opus operatum*" from the Grace of God—the "Grace of God" is presumed to attend throughout all the forms you have read.

MR. BADELEY.—No doubt, the Grace of God is in Baptism, and by it the Sacrament is made the vehicle or instrument by which the blessings are conveyed.

THE BISHOP OF LONDON.—You do not mean to distinguish, and to say that there can be effective Baptism without “the Grace of God”?

DR. LUSHINGTON.—That in Baptism it is presumed.

MR. BADELEY.—No doubt, all is to be attributed to the “Grace of God.” But Baptism is the means of Grace, our Lord having made that the Instrument, by which certain privileges and benefits are conferred upon every child who is admitted to this Rite.

LORD CAMPBELL.—And, in the case of adults, that Grace only being given on “faith and repentance.”

MR. BADELEY.—Upon faith and repentance.

MR. PEMBERTON LEIGH.—Yesterday you suggested that Regeneration might take place without faith or repentance, but not remission of sin.

MR. BADELEY.—Supposing an adult came without faith and repentance, so far the Baptism might be effectual as operating for his Regeneration; according to the doctrine of the Church it cannot be an “inane signum,” and those who come unworthily are said to purchase to themselves damnation. Regeneration, therefore, the change of nature, the alteration in the condition of the person, may take place by the Sacrament; at all events a character is impressed; and it is for this reason that the Sacrament is never allowed to be repeated, this having always been regarded by the Church as a kind of Sacrilege. But the remission of sin is suspended, if the party comes in hypocrisy—the change of condition, the operation of the Sacrament itself, whatever it be under such circumstances, would seem to enhance the

guilt of the unworthy recipient; and this appears to be the view which our Church takes, because according to her Articles you cannot treat the Sacrament as a nullity; you cannot say that it has no effect; and if it does not convey a benefit, it must operate for condemnation.

THE BISHOP OF LONDON.—Do you mean that the “outward and visible sign,” together with the “inward and Spiritual Grace” combined, constitutes an Infant baptized a Child of the Church—a Child of God? You do not mean to say that “the outward and visible sign” without “the inward and spiritual grace” makes the Infant a Child of God?

MR. BADELEY.—No; I do not separate the sign from the thing signified. I say, that in Baptism both go together; that it is ruled and settled by our Church that in the case of infants, whatever may be the case of adults—and as we are not here upon a question of adult Baptism, we have nothing to do with that on this occasion—the full effects of Baptism, the thing signified as well as the sign, are conferred; that the child, being brought by those who have charge of it to the church, is in a fit state to receive Baptism; and it is a settled point of doctrine, positively and absolutely declared by the Church of England, as it is by the whole Catholic Church throughout the world, that the Sacrament is the means of the infant’s regeneration, and that by this, and this alone, the infant is regenerated, and receives remission of sin, adoption, and sanctification.

In the third volume of the ‘Codex Liturgicus’ of Assemani, there is additional evidence on the same point, for we find there the forms of Confirmation; and your Lordships will observe in these ancient Services, as well as in those of Baptism, that there is an entire accordance with our own

in the doctrine which they contain. The very first Prayer in this volume is of great antiquity, from the Sacramentary of Gelasius : it is almost the same as that which occurs in our own Confirmation Service :—

“Deus Omnipotens, Pater Domini nostri Jesu Christi, qui regenerasti famulos tuos ex aquâ, et Spiritu Sancto : quique dedisti eis remissionem omnium peccatorum : Tu, Domine, immitte in eos Spiritum Sanctum tuum Paraclitum : et da eis Spiritum sapientiæ, et intellectus : Spiritum consilii, et fortitudinis : Spiritum scientiæ, et pietatis. Adimple eos Spiritu timoris Dei, in nomine Domini nostri Jesu Christi, cum quo vivis, et regnas Deus semper cum Spiritu Sancto, per omnia sæcula sæculorum. Amen.”

This Prayer, of which ours is almost a translation, is found, I believe, in all the Offices of Confirmation in the Western Church which are given by Assemani, and in those which are contained in Martene’s work ; and it is important, as recognising the fact of regeneration and remission of sin having taken place in Baptism, and as referring to Baptism as the commencement of Christian life.

In another form, above a thousand years old, which is given in this volume of Assemani (page 15), there is this Benediction :—

“Benedicat vos Omnipotens Deus, qui cuncta ex nihilo creavit, et vobis in Baptismate per Spiritum Sanctum remissionem omnium peccatorum tribuit. Amen.”

In the Eastern Church the Prayers are the same in substance. In the Order of Confirmation in the Church of Constantinople, the very first prayer asserts the regeneration of the person, and the remission of his sins, to have taken place in Baptism, the words being,—

“qui et nunc recens illuminatum servum tuum per aquam et Spiritum regenerare voluisti, eidem peccatorum sponte atque etiam indeliberate commissorum remissione concessâ.”

And in an Arabic form which follows, there is this Prayer thus translated :—

“Deus Omnitens, et Omnipotens Pater Domini Nostri Jesu Christi, qui voluntate tuâ regenerasti hunc famulum tuum N. per aquam et Spiritum, per quem tribuisti remissionem peccatorum ; Tu, Domine, emitte super eum Sanctum tuum septiformem Spiritum ; Spiritum Sapientiæ et Intellectus, Spiritum Consilii et Fortitudinis, Spiritum Scientiæ et Pietatis. Imple eum timore Spiritûs Sancti. Consigna eum signo crucis tuæ Sanctæ, O Clemens, in vitam æternam, per Dominum Nostrum Jesum Christum, cui laus in sæcula. Amen.”

A Greek Office (which occurs at page 68) has this Prayer :—

“Deus, qui servo tuo per sanctum Baptisma peccatorum redemptionem, et regenerationem vitæ largitus es : Ipse, Dominator Domine, vultus tui illuminationem in ejus corde semper splendere concede : clypeum Fidei ejus ab inimicorum insidiis immunem conserva, incorruptionis indumentum, ab eo assumptum, mundum, et impollutum, et spirituale gratiæ signaculum intactum, et intemeratum in eo, propitius ipsi, nobisque factus, secundum multitudinem misericordiarum tuarum, custodi.”

And in another ancient Arabic form (page 74) there is this Prayer :—

“Dominator, Domine Deus Noster, qui per piscinam divini Baptismi tribuisti baptizatis splendorem cœlestem, quo tincti sunt famuli tui, quos regenerasti per aquam et Spiritum, tribuens eis remissionem peccatorum, sponte et involuntarie admissorum. Potentem tuam manum illis impone, eosque custodi virtute bonitatis tuæ, et arrham spiritûs inamissam in illis conserva, ac vitam ipsorum dirige ad ea, quæ tibi placita sunt. Quia tu es sanctificator, illuminator, et Custos animarum, et corporum nostrorum, tibi que gloriam attollimus in sæculum. Amen.”

The Alexandrian and the Coptic Services are to the same effect ; the Prayer in the Alexandrian specifies particularly the gifts in Baptism, having these words :—

“Qui famulo tuo per regenerationis lavacrum renasci largitus es, eique peccatorum suorum expiationem, ac incorruptibile indumentum, et filiationis (seu filiorum adoptionis) gratiam donasti,” &c.

There are other Oriental forms; and there is the Ethiopian, which has a Prayer with these words:—

“ Qui generâsti hos famulos tuos et famulas tuas ablutione secundæ generationis ad salutem, et largitus es eis remissionem peccatorum, et indumentum immaculabile.”

In short, there is not a single Formulary which does not expressly refer to Baptism, as having placed the party in the way of salvation.

Then there is the Armenian office to the same effect, with which I will not trouble your Lordships. And again, in the Church of Antioch, there is a prayer containing these words:—

“ Qui etiam nunc voluisti per ministerium nostrum famulos tuos per aquam et Spiritum regenerare in spem vitæ æternæ: et remissionem peccatorum, quæ, sive voluntarie, sive involuntarie pridem contraxerant, ipsis largitus es, eosque ad tuam dominationem transulisti.”

Then there are others in the same volume, with which I need not detain your Lordships, because they are all in substance the same; they all speak the same language, and are in perfect harmony with our own, referring to Baptism as having conveyed, by water and the Holy Spirit, regeneration, and remission of sins, and all the benefits which are elsewhere declared to be united to the worthy reception of that Sacrament.

Having thus shown by Writers, and by Councils, and by Formularies, what was the doctrine of the Early Church, both of the East and of the West, upon this subject, that the grace is given to all alike, old and young, and that whoever enters that Bath of Regeneration worthily receives the full benefit of it, and that Infants are always deemed to receive it worthily—having shown, my Lords, that this doctrine

was thus universally held throughout the Church, not one word occurring anywhere to limit the benefits conferred on Infants, or to make them dependent upon any “prevenient grace,” or any other condition, we shall now find this doctrine of the Church, in its earliest and purest times, adopted in the English Church, and preserved there in all its integrity to the period of the Reformation. The earliest evidence of this appears in the Anglo-Saxon Church. In the works of the Venerable Bede there are some remarkable passages, showing the sense which was then entertained of the virtues and efficacy of Baptism, and in full accordance with what we have seen held in the earlier Church, both of the East and of the West. In the 5th volume of Bede’s works, in his Commentary upon the 16th chapter of St. Mark, he says,—

“Cum autem dicatur, ‘Qui vero non crediderit, condemnabitur;’ quid hic dicimus de Parvulis, qui per ætatem credere non valent? Nam de Majoribus nulla quæstio est. In Ecclesiâ ergo salvatori per alios Parvuli credunt, sicut ex aliis ea quæ illis in baptismo remittuntur peccata traxerunt.”

Then, in commenting upon the chapter in St. John’s Gospel, which relates our Lord’s discourse with Nicodemus, he has a remarkable passage, which is one of great beauty :—

“Natura Spiritus invisibilis est, carnis visibilis : atque ideo carnalis generatio visibiliter administratur, (visibilibus enim incrementis, qui in carne nascitur per ætatum momenta proficit,) spiritalis autem generatio tota invisibiliter agitur. Nam videtur quidem, qui baptizatur, in fontem descendere, videtur aquis intingi, videtur de aquis ascendere : quid autem in illo lavacrum regenerationis egerit, minime potest videri. Sola autem fidelium pietas novit; quia peccator in fontem descendit, sed purificatus ascendit. Filius prævaricationis descendit, sed filius resurrectionis ascendit. Filius mortis descendit, sed filius misericordiæ ascendit. Filius iræ descendit, sed filius misericordiæ ascendit. Filius Diaboli descendit, sed Filius Dei ascendit. Sola hoc Ecclesia

mater, quæ generat, novit. Cæterum oculis insipientium videtur talis exire de fonte, qualis intravit, totumque ludus esse quod agitur. Unde in finem videntes gloriam sanctorum dicent gementes in tormentis: ‘Hi sunt quos aliquando habuimus in derisum, et in similitudinem impropertii. Quomodo ergo computati sunt inter filios Dei?’ Ait Apostolus Joannes, ‘charissimi, inquit, nunc filii Dei sumus, et nondum apparuit quid erimus. Quod natum est ex Spiritu Spiritus est:’ quia qui ex aquâ et Spiritu regeneratur, invisibiliter in novum mutatur hominem, et de carnali efficitur spiritualis. Qui ideo recte non solum spiritualis, sed etiam Spiritus vocatur, quia sicut Spiritus invisibilis est in aspectibus, ita is, qui per gratiam Dei innovatur, invisibiliter fit spiritualis, et Dei filius, cum visibiliter omnibus caro et filius hominis appareat.”

There, my Lords, is testimony from the Anglo-Saxon Church of the doctrine of Baptism, held precisely as it had been held before, and as we hold it now. I do not think that any single passage could show it more completely. There is also a celebrated Sermon or Homily of Archbishop Ælfric, still extant, but of which unfortunately I have not a copy at hand, in which he speaks in the same manner as Bede, that “although no visible change accompanies the dipping of the people into the sacred font, and that although, to outward appearance, they are lifted out of it in the same form as they entered into it, yet the Church knows that every one is sinful before the dipping, and rises from it cleansed from sin through that holy baptism.”*

In the first volume of Spelman’s ‘Concilia,’ there are some Anglo-Saxon Canons which refer to Baptism generally, but they do not treat of doctrinal matters, for they seem to assume that Baptism here was just the same as it was everywhere else. There is a Canon at page 183, which shows the great importance attached to Infant Baptism, by enjoining it to be performed within

* Maskell on Holy Baptism, p. 351.

thirty days after the birth, and imposing heavy penalties on the neglect of the clergyman :—

“ Infans intra triginta dies postquam in lucem prodierit, baptizator. Id si non fiat, ter denis solidis culpa pensator. Sin prius vitam cum morte commutârit, quam sacro tingatur baptismate, rebus suis omnibus mulcator.”

A Canon of Archbishop Egbert, about the year 750, in the same volume of Spelman’s ‘ Concilia ’ (page 263), requires that Infants whose Baptism was uncertain should be baptized,—

“ Ne ista trepidatio eos faciat *sacramenti purgatione* privari.”

There are also some others to the same effect. There is one of the Canons of Ælfric, of an uncertain date :—

“ Si puer non baptizatus liberè adducatur ad Presbyterum, caveat ille ut eundem protinus baptizet, ne forte moriatur Ethnicus.”

Thus treating unbaptized children as heathens, just as we deny them Christian burial.

In page 594 there is a solemn denunciation of any clergyman who refused or delayed to baptize a child that was ill :—

“ Si parvulus ægrotans ad quemlibet Presbyterum Baptismi gratiâ de cujuslibet parochiâ allatus fuerit, ei Baptismi Sacramentum nullo modo negetur. Si quis hoc munus petenti concedere detraxerit, et ille parvulus absque Baptismatis gratiâ mortuus fuerit, noverit se ille qui eum non baptizaverit pro ejus animâ rationem redditurum.”

These Canons, my Lords, are given in Wilkins’s ‘ Concilia,’ as well as in Spelman. I have referred to them in Spelman, as probably more accessible than Wilkins.

Now in the English Church subsequently we find two or three Canons, which show very clearly the faith of the

Church of England at a later period, and prove the identity of the doctrine of Baptism; here is one among the Constitutions of Richard, Bishop of Sarum, in the year 1217, which occurs in the second volume of Spelman's 'Concilia,' page 141, "De Baptismo et ejus effectu."

"Cum Baptismus janua sit omnium Sacramentorum, et prima tabula post naufragium, quam sit necessarium patet ex verbis Domini, dicentis; 'Nisi quis renatus fuerit ex aquâ et Spiritu Sancto, non introibit in regnum cœlorum.' Ab hâc generalitate, nec ætas nec sexus excluditur; et ita apparet, quod Baptismus generalior est et utilior quam circumcisio, cujus loco successit, cum tam viri quàm foeminae baptizentur: tantum autem viri olim circumcidebantur. Quod autem efficacior sit et utilior nunc Baptismus, quam olim circumcisio, apparet, nam de efficaciâ circumcisionis dicitur, 'Anima, cujus præputii caro circumcisa non fuerit, peribit de populo suo:' Ecce nam dicitur, quod salvabitur propter circumcisionem, sed peribit incircumcisa.

"Sic damnationis vitatur periculum; sed non pervenitur ad regnum cœlorum. De virtute vero et efficaciâ Baptismi dicitur, 'Nisi quis fuerit ex aquâ et Spiritu Sancto renatus, non intrabit in regnum cœlorum:' qui renatus fuerit ex aquâ et Spiritu Sancto intrabit in regnum cœlorum; quod usque ad mortem Christi fuit hominibus clausum. Sed per Sacramentum Baptismi Christi sanguine rubricati, culpa remittitur, periculum vitatur, ad regnum cœlorum pervenitur, cujus januam Christi sanguis fidelibus suis misericorditer reseravit: absit autem quod universi parvuli pereant, quorum quotidie tanta moritur multitudo, quin et ipsis misericors Deus, qui neminem vult perire, aliquod remedium procuravit ad salutem, qui, cum multitudinem peccatorum non habeat, peccato originali quo tenentur per virtutem Baptismi sui mundantur.

"Duplex vero est peccatum; originale, quod absque consensu contrahitur; et actuale, quod committitur ex consensu; originale, quia non cum consensu contrahitur, per vim remittitur Sacramenti.

"Pœnale verò, quod cum consensu contrahitur, cum consensu minime relaxatur. Sed videri posset alicui, quod tantum duo sufficiant ad salutem; viz. Fides et Baptismus; et quod sine his non sit salus: nam dicitur, 'Qui crediderit et baptizatus fuerit salvus erit.' Ecce duo, Fides et Baptismus, necessaria ad salutem; et subjungitur, 'qui verò non crediderit condemnabitur.'

"Ecce alterum eorum sufficit ad condemnationem; sed Fides in puero esse non videtur, et ita non salvabitur.

“ Ad quod dicitur, quod in Fide salvatur paternorum : quia sicut aliunde contrahitur peccatum, aliunde curatur. Vel potest sanè dici, quod pueri credent non propter usum fidei, sed propter habitum quem suscipiunt in Baptismo.

“ Cum igitur tanta sit virtus et efficacia hujus Sacramenti, et cum ab ipso Domino sit institutum, et ejus sanguine rubricatum ; precipimus quod cum honore et reverentiâ magnâ celebretur hoc Sacramentum, et magnâ cautelâ, maxime in distinctione verborum et in prolatione verborum, in quibus tanta vis consistit Sacramenti, et salus puerorum : hæc autem est forma ; ‘ Ego baptizo te, N., in nomine Patris,’ &c. Et in Romano vel Anglico sub eâdem formâ doceat Sacerdos publice ; Laicos instruat baptizare in necessitate, patrem et matrem.”

So that here, my Lords, is a pretty full statement of what was the belief of the English Church at that period ; and at a later, in 1220, among the Constitutions of Richard, Bishop of Durham, we find the same thing : there is the same Canon, set out at full length, in the second volume of Spelman (page 166). Still later, in the year 1287, in a Synod of Exeter (page 352 of the same volume), we have a Canon, “ De Baptismo,” which begins thus :—

“ Baptismi sacramentum adeo est necessarium, quod sine eo non est salus, nec aliis quam baptizatis regni cœlestis janua aperitur.”

It then proceeds to give directions for the use of the proper form, in order that all persons in cases of emergency may know how the rite ought to be administered :—

“ Quoniam ex quo duo sunt necessaria, scilicet verbum et elementum, utroque vel altero deficiente, nihil est quod agitur.”

This Canon has reference principally to the form and mode of Administration, but it treats Baptism as necessary, and evidently assumes the same doctrine as had been always and everywhere professed. Later in the same volume (page 445) there is a similar Canon of the year 1306, which speaks of Baptism as

“omnium Sacramentorum janua, sine quo Ecclesia ad regnum cœlorum non pervenitur,”

and gives special directions as to its due administration. It speaks of this sacrament as one,

“sine quo procul dubio quis sanari non potest,”

and is in perfect accordance with the other Canons of the Church on the same subject. I need not trouble your Lordships with more than these, because I think they are sufficient, as public documents of the Church of England, to show how the same doctrine was continued in the Church, and to connect it with the doctrine subsequently professed. But, as additional evidence on this point, I may refer your Lordships to a work of considerable interest, as having been one of great authority in the English Church in the fourteenth and fifteenth centuries, and known by the quaint title of ‘*Pupilla Oculi*.’ It has been cited elsewhere on other occasions—by myself in the Court of Queen’s Bench, and by others in the House of Lords, in the case of the *Queen v. Millis*, when it was noticed by the late Lord Chief Justice Tindal in his judgment. It was written by a person of the name of John De Burgh, who was Professor of Theology and Chancellor of the University of Cambridge; and it was published about the year 1385. It is mentioned in Cave’s ‘*Historia Literaria*’ as a work of considerable reputation, and was undoubtedly a sort of Text-book in the hands of the English Clergy before the Reformation. In the commencement of the Second Part, where the author is treating of the Sacrament of Baptism, he says:—

“Baptismus fluminis debite acceptus a totâ poenâ liberat, et a culpâ tam originali, quam actuali, seu exteriori poenâ, sine poenitentia. In adultis tamen requiritur poenitentia interior; et etiam gratiam habitalem infundit, et characterem imprimit.”

And afterwards he expresses himself more fully :—

“Effectus Baptismi multiplex est ; nam characterem imprimit ; omnem culpam delet ; cœlum aperit ; virtutes confert ; fomitem peccati debilitat, et augmentat virtutes ; non requirit gemitum nec planctum, nec aliam satisfactionem ; intellige de planctu exteriori : quia interior requiritur in adulto.”

He then quotes two verses, which are to be found in other works, expressive of these effects which he has enumerated :—

“Imprimit, annihilat, aperit, confertque, relegat,
Baptismus, signum, culpam, cœlum, bona, planctum.”

These two verses must be construed together, each word in the one verse corresponding with its relative word in the other. This book thus affords satisfactory evidence of the doctrine which was held in the Church of England at that time, prior to the Reformation ; and in addition to this, we have the fact of the Canon Law being undoubtedly the Law of the Church of England, and there can be no question that this abundantly sets forth the same doctrine ; for it is entirely a mistake to suppose that the Canon Law leaves any room for doubt, either upon the nature or upon the effects of Baptism, although the particular mode in which Baptismal grace operates may have been a subject of controversy.*

And thus we are brought down to the era of the Reformation ; for it is evident that there was no alteration up to that period ; but before I consider what took place then, I will in the last place refer your Lordships to the ancient Services of the English Church ; and fortunately we have

* See the ‘Decretum,’ p. 3 ; ‘De Consecratione,’ Dist. 4, in the ‘Corpus Juris Canonici,’ vol. i., p. 1975, &c., fol. 1620. See also Lyndwood’s ‘Provinciale,’ lib. iii., tit. 24, ‘De Baptismo et ejus effectu,’ p. 241, &c.

them collected for us in a most valuable, and interesting, and learned work of Mr. Maskell, entitled ‘*Monumenta Ritualia Ecclesiæ Anglicanæ, or occasional Offices of the Church of England according to the ancient use of Salisbury, the Prymer in English, and other Prayers and Forms, with Dissertations and Notes;*’ and by connecting the Services there given with the Canons and Authorities of the English Church, which I have cited, I think the doctrine is put beyond question. Now in the first volume of Mr. Maskell’s book, at page 18, there is the form entitled ‘*Benedictio Fontis,*’ in which this prayer occurs:—

“*Respice, quæsumus, Domine, in faciem Ecclesiæ tuæ, et multiplica in eâ regenerationes tuas; qui gratiæ tuæ affluentis impetu lætificas civitatem tuam, fontemque Baptismatis aperis, toto orbe terrarum gentibus innovandis, ut tuæ majestatis imperio sumat Unigeniti tui gratiam de Spiritu Sancto.* . . .

“*Qui hanc aquam regenerandis hominibus præparatam arcanâ sui luminis admixtione fœcundet: ut sanctificatione conceptâ, ab immaculato Divini fontis utero in novam renata creaturam progenies cœlestis emergat. Et quos aut sexus in corpore, aut ætas discernit in tempore, omnes in unam pariat gratia mater infantiam. Procul ergo hinc, jubente Te, Domine, omnis spiritus immundus abscedat: procul tota nequitia diabolicæ fraudis absistat. Nihil hic loci habeat contrariæ virtutis admixtio: non insidiando circumvolet: non latendo surrepat: non inficiendo corrumpat. Sit hæc sancta et innocens creatura libera ab omni impugnatoris incursu, et totius nequitiae purgata discessu. Sit fons vivus, aqua regenerans, unda purificans. Ut omnes hoc lavacro salutifero diluendi, operante in eis Spiritu Sancto, perfectæ purgationis indulgentiam consequantur.*”

This Prayer corresponds very closely, not only with the Prayers in the other Formularies which I have read, but also with the language of the Fathers which I have cited.

Immediately following this Service for the Benediction of the Font, comes the “*Ritus Baptizandi;*” which is the same that we have seen in the Formularies of other Churches; and immediately after the Administration of the Baptism there is this Benediction:—

“Deus omnipotens, Pater Domini nostri Jesu Christi, qui te regeneravit ex aquâ et Spiritu Sancto, quique dedit tibi remissionem omnium peccatorum, ipse te linit chrismate salutis, in eodem Filio suo Domino nostro Jesu Christo, in vitam æternam.”

You see, therefore, in this ancient form of the English Church, which was in use until the alteration of the Formularies at the Reformation, corroborative evidence of the doctrine of Baptismal Regeneration, as it was held universally. Then we have the Form of Confirmation (page 75 in the same volume), in which there is this Prayer:—

“Omnipotens Sempiternæ Deus, qui regenerare dignatus es hos famulos tuos (vel has famulas tuas) ex aquâ et Spiritu Sancto, quique dedisti eis remissionem omnium peccatorum, immitte in eos septiformem Spiritum, Sanctum Paraclitum de cœlis. Amen. Spiritum sapientiæ et intellectus, Spiritum sapientiæ et pietatis, Spiritum consilii et fortitudinis, et imple eos (vel eas) Spiritu timoris Domini; et consigna eos (vel eas) signo sanctæ crucis. Confirma eos (vel eas) chrismate salutis in vitam propitiatus æternam. Amen.”

The same language used; the same doctrine asserted here as elsewhere; regeneration and remission of sins always recognized as the gifts of Baptism. There had been no change; there could be no change; the Church of England was part of the Catholic Church, and adhered to the teaching of the Catholic Church, and every vestige of antiquity which we have in the English Church tells the same thing, and testifies to the same truths.

We come therefore now to what took place at the period of the Reformation, and it will be important to see, in the documents which were then put forth, how the doctrine was carried on, and that in this there really was no change whatever, but that, on the contrary, the ancient doctrine of Baptism was asserted most fully and most satisfactorily.

I think the first we have is the “Articles about Religion,” which were put forth in the year 1536, and which are given

in the “Formularies of Faith,” published by Bishop Lloyd at Oxford some years ago. Among the first of these is one upon the Sacrament of Baptism, which runs thus :—

“Secondly, as touching the Holy Sacrament of Baptism, we will that all bishops and preachers shall instruct and teach our people committed by us unto their spiritual charge, that they ought and must of necessity believe certainly all those things which have been always by the whole consent of the Church approved, received, and used in the Sacrament of Baptism.”

This, therefore, distinctly connects the doctrine then held with the doctrine held previously in the Primitive Church and ever since ; then it goes on :—

“That is to say, that the Sacrament of Baptism was instituted and ordained in the New Testament by our Saviour Jesus Christ, as a thing necessary for the attaining of everlasting life, according to the saying of Christ, ‘Nisi quis renatus fuerit ex aquâ et Spiritu Sancto, non potest intrare in regnum cœlorum,’ that is to say, ‘No man can enter into the kingdom of heaven, except he born again of water and the Holy Ghost.’

“Item, that it is offered unto all men, as well infants as such as have the use of reason, that *by Baptism*” [not by ‘prevenient grace’] “they shall have remission of sins, and the grace and favour of God, according to the saying of John, ‘Qui crediderit et baptizatus fuerit, salvus erit,’ ‘Whosoever believeth and is baptized shall be saved.’

“Item, that the promise of grace and everlasting life, which promise is *adjoined unto this Sacrament of Baptism*” [just as the Homily says it is ‘annexed and tied to the visible sign,’] “pertaineth not only unto such as have the use of reason, but also to infants, innocents, and children ; and they ought therefore and must needs be baptized ; and that by the Sacrament of Baptism they do also obtain remission of their sins, the grace and favour of God, and be made thereby the very sons and children of God, insomuch as infants dying in their infancy shall undoubtedly be saved thereby, and else not.”

The only alteration which our Church has made since is this ; it has not chosen to pronounce that infants cannot be saved without Baptism, but simply leaves this point open and unsettled, while it retains the rest, and shows, by the Rubric to which we have already referred, that those who

are baptized are undoubtedly saved, as the result and consequence of their Baptism.

The Article then proceeds :—

“ Item, that Infants must needs be christened, because they be born in original sin, which sin must needs be remitted ; which cannot be done but by the Sacrament of Baptism, whereby they receive the Holy Ghost, which exerciseth His grace and efficacy in them, and cleanseth and purifieth them from sin by His most secret virtue and operation.”

Then follow some clauses relating partly to the Pelagian heresy ; and then this :—

“ That men or children having the use of reason, and willing and desiring to be baptized, shall, by the virtue of that Holy Sacrament, obtain the grace and remission of all their sins, if they shall come thereunto perfectly and truly repentant and contrite of all their sins before committed, and also perfectly and constantly confessing and believing all the Articles of our Faith, according as it was mentioned in the Article before, or else not. And, finally, if they shall also have firm credence and trust in the promise of God, adjoined to the said Sacrament, that is to say, that in and by this said Sacrament which they shall receive, God the Father giveth unto them, for His Son Jesus Christ's sake, remission of all their sins, and the grace of the Holy Ghost, whereby they be newly regenerated and made the very children of God, according to the saying of Christ, and His Apostle St. Peter,” &c.

Now, that is in the ‘ Articles about Religion,’ the first of the documents promulgated at that time by authority, and showing clearly adherence to Catholic doctrine.

The next that occurs is the ‘ Institution of a Christian Man,’ published in the year 1537 ; and upon the Sacrament of Baptism it says :—

“ As touching the Holy Sacrament of Baptism, we think it convenient that all Bishops and Preachers shall instruct and teach the people committed unto their spiritual charge, that they ought, and must of necessity, believe certainly all those things, which have been always, by the whole consent of the Church, approved, received, and used in the Sacrament of Baptism.”

And then it goes on precisely in the same manner as that which I have read to your Lordships from the ‘ Articles about Religion ’ in 1536 : this was the second public document, which asserts the same doctrine in the same words.

Then we have next to this, ‘ The Necessary Doctrine and Erudition for any Christian Man,’ which was rather later, having been set forth by authority, first in the year 1543, and again in 1545.

At page 253 of Bishop Lloyd’s edition of the ‘ Formularies of Faith,’ we have the title of “ The Sacrament of Baptism,” under which, after speaking of this Sacrament as instituted by Christ, it says :—

“ Furthermore, that the effect and virtue of this Sacrament is forgiveness of sin, and grace of the Holy Ghost, as is manifestly declared in the second chapter of the Acts of the Apostles, where it is said, ‘ Do penance, and be baptized, every one of you, and ye shall have forgiveness of sin, and shall receive the gift of the Holy Ghost.’ Which effect of grace and forgiveness of sin this Sacrament hath by virtue and force of the working of Almighty God, according to His promise annexed and conjoined unto this Sacrament, as is manifestly declared by the word of Christ, saying, ‘ Whosoever believeth and is baptized shall be saved.’ Which saying of our Saviour Christ is to be understood of all such persons which die in the grace conferred and given to them in Baptism, and do not finally fall from the same by sin.”

No person who reads this can doubt, that the writer regarded this Sacrament as the means of grace and forgiveness of sin, and considered these to be the immediate and necessary effect of the Sacrament itself. Then follows this :—

“ Moreover, because all men be born sinners, through the transgression of our Father Adam, in whom (as the Apostle saith) all have sinned, and cannot be saved without remission of their sin, *which is given in Baptism by the working of the Holy Ghost, therefore* the Sacrament of Baptism is necessary for the attaining of salvation and everlasting life, according to the words of Christ, saying, ‘ No man can enter into the kingdom of God, except he be born again of water and

the Holy Ghost.' For which causes also it is offered and pertaineth to all men, not only such as have the use of reason, in whom the same, duly received, taketh away and purgeth all kind of sins, both original and actual, committed and done before their Baptism; but also it appertaineth and is offered unto infants, which, because they be born in original sin, have need and ought to be christened; whereby they, being offered in the faith of the Church, receive forgiveness of their sin, and such grace of the Holy Ghost, that if they die in the state of their infancy, they shall thereby undoubtedly be saved."

Here, again, we see that the necessity of this Sacrament is urged expressly on the ground of its being the very instrument, by which the gift of the Holy Spirit is conveyed, and infants are to be christened, *because they are otherwise, and till then, in original sin.* Then, after treating shortly of the nature of original sin, it proceeds thus:—

"And whereas we have before showed that original sin is remitted and taken away by Baptism, both in infants and all other, which, having the use of reason, duly receive the same, yet further we think good to note a special virtue and efficacy of this Sacrament of Baptism: which is, that albeit there remain in us that be christened a certain infirmity or inclination of sin, called concupiscence, which by lusts and desires moveth us many times to sin and wickedness, yet Almighty God of His great mercy and goodness hath given us such grace in this His Holy Sacrament of Baptism, that such carnal and fleshly lusts and desires shall or can in nowise hurt us, if we do not consent unto them. And by the same grace also conferred unto us in Baptism, we be made more strong and able to resist and withstand the said concupiscence and carnal desires, than is another man which never was christened."

Then, speaking of the Baptism of Infants, there is this important passage, which contains one of the very arguments of St. Augustine upon the same subject:—

"Furthermore, forasmuch as in these days certain heresies have risen and sprung up against the christening of infants, it is to be noted, that (as the holy Doctors of the Church do testify) the universal consent of the Churches, in all places and of all times, using and frequenting the christening of infants, is a sufficient witness and proof that this custom of the Church in baptizing of infants was used by Christ's

Apostles themselves, and by them given unto the Church, and in the same hath been always continued even unto these days. And this custom and perpetual usage of the Church, even from the beginning, is agreeable with the saying of St. Paul ; ‘ Christ loved his Church, and hath given himself to the death for his Church’s sake, to sanctify her, and make her holy, in cleansing her by the fountain of water in his word,’ &c. So that no man is nor can be of this Church but he which is cleansed by the Sacrament of Baptism : like as the text before alleged showeth, where Christ saith, ‘ Whosoever is not born again of water and the Holy Ghost shall not enter into the Kingdom of Heaven.’ Wherefore, seeing that out of the Church neither infants nor no man else can be saved, they must needs be christened and cleansed by Baptism, and so incorporated into the Church. And as the infancy of the children of the Hebrews, in the Old Testament, did not let, but that they were made participant of the grace and benefit given in circumcision ; even so, in the New Testament, the infancy of children doth not let, but that they may and ought to be baptized, and so receive the graces and virtues of the same.”

These documents, thus given by Bishop Lloyd, show pretty clearly what was the faith professed by the Church of England during the reign of Henry VIII. ; and thus we have reached the period at which Cranmer flourished ; and we know that the alterations of the Services, which took place in his time, were made by his means, or at least with his sanction.

Now there are several documents which were put forward by the authority of Cranmer ; and your Lordships will observe, that whereas ‘ The Necessary Doctrine and Erudition for any Christian Man ’ was published in 1543, we have in the year 1548 what is called ‘ Cranmer’s Catechism,’ whether written or translated by him may be uncertain, but at all events it was adopted by him, and published by his direction, and dedicated to Edward VI.

Now in ‘ Cranmer’s Catechism ’ there is a very long Treatise, which is called ‘ A Sermon on Baptism.’ I shall not trouble your Lordships by reading it at length, but refer to what will be sufficient to show what was the view taken,

particularly by Cranmer, upon the subject of which we have heard so much. I believe most fully that the opinions of Cranmer upon the Sacrament of Baptism were sound ; that they were consistent with those of the Catholic Church ; and at all events, when he framed, or assisted in framing, our Services, there is not the slightest ground for suspecting that he had been led away from the true Catholic faith upon the subject of Baptism ; and your Lordships are aware, that at that time the main contest and controversy was, not upon Baptism, but upon the other Sacraments ; the nature and effects of the Sacraments generally came under consideration, by reason of the questions raised on the Sacrament of the Lord's Supper ; but with respect to Baptism, there was very little, if any, controversy ; what there was arose, as it were, incidentally, and however Cranmer altered his opinions upon other matters, it is remarkable how free from change he was upon the subject of Baptism ; his belief was unsettled upon almost every other question, but upon Baptism he seems to have remained unshaken. I have looked carefully into his works for the purpose of ascertaining this point, and I do not find any evidence of his having departed from the Catholic faith on this Sacrament ; and I say it is remarkable, that one whose mind was so unstable, and whose religious belief was in a constant state of fluctuation upon almost every other doctrine, continued steady upon this. The assertions, therefore, which have been made respecting Cranmer's change of mind about Baptism, and of his having been disposed to sanction any of the Reformers here or upon the Continent who entertained any different views, are utterly worthless and untrue, and the foreigners whose aid he sought, in altering the Formularies of the Church, were men who held Lutheran, and not Calvinistic opinions. Here we have Cranmer's opinion upon Baptism, because this is the document which he himself put forward, and on which he seems

to have bestowed much care. At page 182 of the edition which I have before me, which was published at Oxford in 1829, we have these words :—

“And the second birth is by the water of Baptism, which Paul calleth the bath of regeneration, because our sins be forgiven us in Baptism, and the Holy Ghost is poured into us, as into God’s beloved children, so that by the power and working of the Holy Ghost, we be born again spiritually, and made new creatures. And so by Baptism we enter into the Kingdom of God, and shall be saved for ever, if we continue to our lives’ end in the faith of Christ.

“Wherefore, good children, consider diligently the strength of Baptism, and mark well, how great treasures and how excellent benefits you received in your Baptism, that you may thank God for the same, and comfort yourselves by them in all your temptations, and endeavour yourselves faithfully to perform all things which you promised in your Baptism.”

The Sermon is too long to allow of my reading it to your Lordships; but by turning to it you will see that it discourses most fully of the effects and benefits of Baptism; and nothing can well be more explicit than the language in which it attributes to this Sacrament, as the instrument which conveys them, Regeneration, Remission of Sin, Adoption, and Sanctification. At page 187 it is said,—

“By Baptism the whole righteousness of Christ is given unto us, that we may claim the same as our own.”

And presently afterwards :—

“By this which I have hitherto spoken, I trust you will understand, good children, wherefore Baptism is called the bath of Regeneration, and how in Baptism we be born again, and be made new creatures in Christ.”

Then it dwells at length upon the nature of Baptism and the benefits it conveys :—

“For without the word of God water is water, and not Baptism. But when the word of the living God is added and joined to the water,

then it is the bath of Regeneration, and Baptism water, and the living spring of eternal salvation, and a bath that washeth our souls by the Holy Ghost, as St. Paul calleth it."

And afterwards it concludes thus :—

"Thus ye have heard, good children, what is meant by the words of Baptism, by the which we are born again, and made new to everlasting life. Learn these things diligently, and thank God, who in Christ hath called you to be partakers of so large and ample benefits. And express Baptism in your life, and Baptism shall be the greatest comfort to you, both in your lifetime and also in your death-bed. For by Baptism we be grafted into the death of Christ, wherefore sin, death, or hell cannot hurt us, but we shall overcome all these things by faith, as Christ himself overcame them. And so by this new birth we shall enter into the Kingdom of God, and life everlasting. The which God grant us all. Amen."

We have thus the best possible evidence, from what was published by authority in 1548, of the doctrine which was then professed and taught by Cranmer.

Now it has been said, and we have heard it stated even in high places, that Cranmer was connected with the Calvinists; that he and those who were with him held Calvinistic opinions; and Bucer and Peter Martyr have both been referred to, as influencing Cranmer's judgment.

Now that proposition is almost suicidal, because any person, who knows what were the opinions of Bucer and Peter Martyr, knows that they were really and absolutely inconsistent; Peter Martyr was in fact a Zuinglian; he professed a belief which was totally inconsistent with the doctrine of the Church, as professed by Cranmer and by others, upon the subject of Baptism, and it would have been impossible for him, with the belief which he entertained, to concur in such Formularies as were put forth at that time. With Bucer the case was very different: Bucer was a Lutheran, and held, as it seems, at least on many points, Catholic doc-

trine ; for he expresses himself so in various parts of his works, and it is understood that he was concerned in the preparation, if not the sole author, of the Formulary which is called the ‘ *Confessio Tetrapolitana*,’ which distinctly professes the doctrine of Regeneration in Baptism ; it is Catholic almost entirely, and says of Baptism,—

“De Baptismate itaque confitemur, id quod passim scriptura de illo prædicat ; eo sepeliri nos in mortem Christi, coagmentari in unum corpus, Christum induere, esse lavacrum regenerationis, peccata abluere, nos salvare.”—(Corpus Lib. Symbolic. Augusti. 351.)

And if Bucer was concerned in framing the Cologne Liturgy, his opinion is shown more distinctly, and was undoubtedly satisfactory, on the Sacrament of Baptism. In his ‘*Epitome of the Christian’s Doctrine and Religion*,’ he says,—

“Confitemur ac docemus, sacrum Baptismum, quum is juxta præceptum Domini datur et accipitur, *in adultis pariter et infantibus*, vere esse lavacrum regenerationis, ac renovationis Spiritûs Sancti, per quem baptizati ab omnibus abluuntur peccatis, sepeliuntur in mortem Domini Nostri Jesu Christi ad mortem peccati, novamque in Deo vitam, beatamque resurrectionem ; incorporamur item ei, eoque induimur, perque ipsum” (that is, Baptism) “*fili ac hæredes fiunt Dei*.” (The very words of our own Catechism.)

“Quam etiam hæreditatem integram certo accipiunt et adeunt *omnes* ii, qui gratiam hanc in Baptismo sibi communicatam, non ipsimet per sequentia peccata contra conscientiam et petulanter admissa, abjiciunt.”

This epitome is stated to have been written,—

“Quo Christiani homines certo scire possint quænam sit doctrina, quam nos, Ecclesiæ Argentinensis ministri (Bucer being then a minister at Strasburg) publice proponimus.”

And in another part he speaks of election as being in and by Baptism :—

“Electum genus Dei, id est, per generationem Baptismi filios Dei factos.”

In his ‘*Enarrationes in Evangelium Matthæi*,’ at the nineteenth chapter, he says :—

“ Cum enim Is sit qui venerit servare quod jam periit, ut de supra (cap. 18) testatus est, proprie de pueris loquens (nam hoc dicto ab offendendis ipsis voluit detertere) nullo sane est opus usu rationis, nullis meritis, ut quis salutem ab ipso percipiat, sed tantum quod perierit, neque periisse se inficietur, eoque omnium maxime pueri idonei sunt, qui Dei gratiam per ipsum recipiant, et hæc summa ejus dignitas, quod talium se salvatorem exhibet.”

And in his commentary on the third chapter of St. John’s Gospel he says :—

“ Apostolus autem de Baptismo rite exhibito loquitur; sic enim consecratio est hominis in gregem Christi, cooptatio in eorum numerum qui Spiritu Dei donati, peccatis cum Domino vere moriuntur, et justitiæ vivunt, eoque vere mundantur, salvantur, regenerantur, et renovantur; non id quidem per externam ablutionem aquæ et depositionem sordium in carne, ut Petrus inquit, sed per Spiritum Dei, quo testificante nostro Spiritui de Dei erga nos benevolentia, bonâ erga ipsum sumus conscientia, et ad imaginem Dei transformamur a gloria ad gloriam tanquam ab eodem Spiritu Domini.”

Such was Bucer’s teaching; such was the opinion which he entertained as to the effect of Baptism; and therefore when it is stated that Bucer’s tenets were inconsistent with the teaching of our own Articles and Formularies on this Sacrament, I do not know where they are to be found; certainly not in Bucer’s works. If any authority is to be given to his opinions at all, and if Bucer had, as we have reason to suppose, more influence with Cranmer than the others—for Peter Martyr does not appear to have been particularly intimate with him—there are letters of his which clearly indicate that he was not in Cranmer’s confidence—the bias given to Cranmer’s mind must be deemed to have been in the right direction.

The opinions of Bucer and Peter Martyr could not be

reconciled ; and we see in Cranmer's works, and in the Formularies which he sanctioned, opinions quite consistent with those which Bucer expressed, and quite opposite to those which we know that Peter Martyr held : for there can be no doubt that Peter Martyr was a Zuinglian, and that Zuinglius was totally unsound upon the subject of Baptism. Zuinglius begins his work ' *De Baptismo* ' by positively declaring, (what is certainly the most extreme piece of presumption that any man ever was guilty of,) that the whole Christian world had erred on the doctrine of Baptism, and that he was come to set the Church right, for he commences with these remarkable words :—

" Illud mihi ingenuè circa libri initium dicendum est, fere omnes eos quotquot ab ipsis Apostolorum temporibus de Baptismo scribere instituerunt, non in paucis (quod pace omnium hominum dictum esse velim) a scopo aberravisse ; magnum est quod dico, sed invitus dicere compellor."

Peter Martyr was a follower of this man, and favoured his views much more than any of the other Reformers whom Cranmer consulted.

So much for those who are said to have been Cranmer's advisers ; for I do not believe that Melancthon held any doctrine essentially different from Bucer's upon this point.

We have been told that these persons were Calvinists, and that Calvinism operated very much upon those who were concerned in preparing the Formularies of our Church. I deny the fact ; it is historically untrue ; and I have no hesitation in saying, that the inferences which some persons have professed to deduce from it are equally untrue. These men were not Calvinists, and it is therefore absurd to suppose that our Formularies were intended to accommodate themselves to any Calvinistic notions operating upon their minds. But even if they were Calvinists, or had Calvinistic tendencies, it would be equally absurd to say,

that they either could not, or did not, reconcile the opinions which they so entertained with the doctrines contained in our Formularies. Supposing that these parties did hold some of the doctrines which are commonly called Calvinistic—those, for instance, of Predestination and Election ; these, according to the expressions and belief of many persons, were not inconsistent with the doctrine of Baptismal Regeneration. St. Augustine seems to have thought that they were not inconsistent ; and I believe that neither Peter Lombard, nor St. Thomas Aquinas, nor St. Anselm, nor many others, deemed them irreconcilable.

LORD CAMPBELL.—Nor does Archdeacon Wilberforce.

MR. BADELEY.—There would therefore be no right deduction from the fact, if the assumed fact were historically true—which it is not ; but even if it were, it would be childish ignorance to say, that it had any thing to do with the language of our Formularies, or that these were framed purposely to admit doctrines contrary to those of the whole Church ; and it occurs most obviously to ask, if they did entertain such doctrines, if they were really unsound on this subject, how came it, when they had the whole game in their hands, when they had these Formularies to model or alter as they pleased, that they did not express their meaning ? How is it, if they entertained such high Calvinistic doctrines as has been supposed, and felt them to be inconsistent with that of Baptismal Regeneration, that they did not bring the Articles and Formularies to their level ?—Why did they not at least propound their Calvinism more distinctly than they did in the 17th Article, in which there is really nothing that is inconsistent with the rest, or stronger than what had been expressed before by St. Augustine ? If they believed Calvin's doctrine, why not put it forth ?

Either they held it, or they did not ;—if they did, they must have held it as a truth ; and if they held it as a truth, and did not put it forward to the Church, but allowed the Church to believe differently from what they held to be the truth, they were traitors to their cause. It is impossible to come to any other conclusion—truth is truth, by whomsoever declared ; and whatever they recognised as truth they were bound to put forth ; and if they put forth that which appears upon the face of it quite otherwise, or which they deemed inconsistent with what they believed, they were acting with the grossest hypocrisy, with the most iniquitous bad faith that any man could be guilty of ; it was nothing less than downright sacrilege ! Then what pretence is there for saying that Cranmer, or those connected with him when our Formularies were prepared, held either Calvinistic opinions, or any that were inconsistent with the doctrine of Baptismal Regeneration ? Clearly none ; and to assert this is to brand them with the vilest infamy. Besides, what is called Calvinism had not then become rife ;—the first Articles after those of the year 1536 were put forth in 1552, and we know that the greater portion of these were prepared in the year 1551 ; but the first work which Calvin published on the subject of Predestination, ‘*De æternâ Dei Predestinatione*,’ did not appear until 1552. The Articles of 1552 therefore were framed before Calvin had promulgated his opinions ; and how then can it be said that Calvinism, *quâ* Calvinism, had operated upon those who prepared them ? It is inconsistent altogether with historic truth.

So again as to Melancthon’s influence : Melancthon was not a Calvinist ; he had at one time entertained opinions pretty much the same as what are now called Calvinistic ; but he had retracted them ; for in the edition of his ‘*Loci Theologici*’ which he published in the year 1553, he expunged the passages of a Calvinistic character which had

existed in the previous edition ; and therefore as far as he is concerned, there is no pretence for saying that any influence which he possessed swayed Cranmer or others towards Calvinism ; and I repeat, that whatever opinions may have prevailed at that time on the subject of Predestination, it does not at all follow that those who held them did not take the Formularies in the sense in which we understand them.

Your Lordships will remember that this was just at the time when Cranmer's Catechism was published, which appeared in the year 1548 ; and in the year following, in 1549, we have the First Prayer Book of Edward VI. Of course therefore, if Cranmer was the person who was concerned in arranging these, we must refer to Cranmer's opinions, if we are to refer to any opinions at all ; and about that I shall have a word to say presently. The opinions of Cranmer are as strongly marked as can be on the doctrine of Regeneration in Baptism. Cranmer adopts the ancient prayers and the ancient doctrine ; he asserts the doctrine in the prayers to the full extent, just as he had declared it in the Catechism the year before, and just as it had previously been put forth by authority in England. So that we have pretty full proof of the tenets which were professed at that time upon this very subject ; and this brings us down to the Articles of 1552, and therefore carries us very nearly to the point, from which I originally set out in the argument, namely, the Articles now in force in the Church of England.

Now let us see here what was the law of the Church, at the time of the formation of the Prayer Book of Edward VI., in 1549. The Articles of 1536 were then the Articles of the Church of England, and none can express more fully, or more satisfactorily, the doctrine of Baptism than they do ; they entirely concur with that which emanated from Cranmer himself in 1548 ; and the Baptismal Service in King Edward's

Book, which differs in no respect in its doctrine from what we have at present, is in perfect accordance with these Articles ; and, looking at Cranmer as the source both of his own Catechism and of this Prayer Book, we cannot doubt that he concurred in the doctrine of the Articles of 1536, or that the Prayer Book was intended to teach that doctrine.

Then we come down to the Articles of 1552, and with those I shall not trouble your Lordships again, because you will remember that they are precisely to the same effect, upon Baptism, and almost in the same words as those of 1562 ; and inasmuch as we know what took place then, and the intention of the Church of England, as shown in all the Formularies of the time, and by the various authorities which I have adduced, to adhere to primitive truth, it is perfectly clear that the doctrine of Baptism remained in its original integrity, as held throughout the world. How can it be contended for one moment, that any of those, to whom we owe our Articles or our Services, had in any degree departed from the doctrine previously maintained ? To assert such a thing is to fly in the face of all historical evidence, to ignore the plainest fact ; and even if it were true, what, I would ask, have we to do with any of their private opinions, if the public documents which they have given us hold language directly contrary ? We cannot be affected by what they thought, however heretical or unsound, if what they said was consistent with Catholic truth, and if they chose to teach, and to insert in the Formularies, a high, and holy, and positive doctrine, consistent with that of the early Church, though inconsistent with their own belief—(hypocritical and wicked as I might think them under such circumstances)—we are bound by their public acts, by the doctrine ratified by the whole Church of England, declared in her Articles and taught in her Offices, and by them and them alone the

Church of England must stand. To resort to the private notions of any particular individual upon any of those forms, would be quite as ridiculous as it would be in a court of law, when an Act of Parliament was plain and clear, to say, "Oh no, that cannot be the construction of the statute, because Mr. A. or Mr. B., who was concerned in preparing this act, and bringing it into Parliament, entertained a different opinion." As if it did not take its mould, its whole form and effect, its whole operation, from the united voice of the Legislature ; and therefore, let Cranmer's views have been what they may, they are "*nihil ad rem*." If the Church of England in Convocation, and afterwards the State of England in Parliament, adopted different views, and used language in accordance with the doctrine of all Christendom in all ages, I would ask any human being of common sense, whether he could go contrary to that, or adopt Cranmer's private opinion to control it? The very idea is perfectly monstrous, utterly ridiculous. If the Church of England, the whole Convocation assembled, promulgated a particular doctrine in a particular form, the opinion of each individual member, whatever it was, has disappeared : it is merged in the united voice and opinion of the body ; it is vanished. If contrary, it was overruled ; if not contrary, it is identical : and therefore, whatever is the public Formulary, or public profession of faith, that alone must guide this Court, and every other court ; by that each case must stand or fall, and nothing can possibly be allowed to shake it.

Thus, my Lords, we have reached the year 1552, when Edward the Sixth's Second Book came into use ; but before I turn to that, I will refer for a moment to the first Prayer Book which was in use up to that time. We find in it the doctrine of Baptismal Regeneration taught as it had been before, and as it is taught now. In the very first prayer we find it thus clearly expressed,—

“And by the Baptism of thy well beloved Son Jesus Christ, thou didst sanctify the flood Jordan, and all other waters, to this mystical washing away of sin ; We beseech thee (for thy infinite mercies) that Thou wilt mercifully look upon these children, and sanctify them with thy Holy Ghost ; that by this wholesome laver of Regeneration, whatsoever sin is in them may be washed clean away, that they, being delivered from thy wrath, may be received into the Ark of Christ's Church, and so saved from perishing ; and being fervent in spirit, steadfast in faith, joyful through hope, rooted in charity, may ever serve thee, and finally attain to everlasting life, with all thy holy and chosen people.”

There are moreover in this book the same Gospel and the same exhortation that we have now ; the same prayer for the Children, “that they coming to Holy Baptism may receive remission of their sins by spiritual regeneration ;” and after the Baptism administered, we have the Infant anointed with these words,—

“Almighty God, the Father of our Lord Jesus Christ, *who hath regenerate thee by water and the Holy Ghost, and hath given unto thee remission of all thy sins ;* He vouchsafe to anoint thee with the unction of his Holy Spirit, and bring thee to the inheritance of everlasting life.—Amen.”

Thus formally and in connection with the Articles of 1536, which then were the law of the Church, we find the doctrine plainly shown, and no difference in this respect from the present form. In the office for Private Baptism in this book, there is the same declaration of the sufficiency of the Baptism, when the form of the private administration has been ascertained, in which it is said that the Child,—

“being born in sin and in the wrath of God, is now by the *laver of regeneration* made the Child of God, and heir of everlasting life.”

And when “the white vesture” was put upon the Child, the Priest was directed to say,—

“Take this white vesture for a token of *the innocency which, by God's grace in the Holy Sacrament of Baptism, is given unto thee.*”

Look again at the first Catechism, which was annexed to this book ; it did not indeed contain the part about the Sacraments, for that was added afterwards, but it contained the answer of the Child as to his having been made "*in Baptism* a member of Christ, a child of God, and an inheritor of the Kingdom of Heaven," and therefore the same doctrine was here taught precisely, although not so fully as it was in the Catechism published, after the Hampton Court Conference ; and as the Articles of 1536 were then in force, there could be no mistake respecting the doctrine which was held, and in connection with which this Prayer Book was prepared. In all these documents, from first to last, there is not one word about "Prevenient Grace," but the Infant is declared to be, without any qualification, the proper recipient of Baptism ; but the whole benefit, Regeneration, Remission of Sin, Sanctification, and Adoption are declared to be conveyed "in" and "by" Baptism, "*tanquam per instrumentum*," as the Article of 1552, as well as the later one of 1562, asserts. There seems hardly to be an argument on the other side after this. What do people mean by making such statements, and imposing such Formularies as these ? Either they mean what they say, or they do not : if they do not, they are hypocrites, and we cannot trust them ; if they do, we must take their words as they stand. "What can we reason, but from what we know ?" and what can we know of the opinions of men, or of public bodies, but from their acts and their professions ? and if they do and profess one thing, what right have we to say that they do and profess another ? If they put forth a doctrine positively and absolutely, what right have we to qualify it, and to take it in a sense totally different ? And in this case we are not only doing violence to their own sense, not only forcing upon them a meaning, which, as far as we can collect, they never had, but making them pro-

pound doctrines utterly inconsistent with that of the whole Christian Church from first to last; and this, too, in order to accommodate the prejudices of some few individuals, a mere Party, who refuse to admit the truth as it was “once delivered to the Saints.” What pretence there can be for introducing any qualification of these doctrines—any hypothetical sense—I cannot understand; and if the Church intended to adhere to the faith of the earliest ages, what excuse can there be for those, who pretend to find in these Formularies a meaning, which neither those ages nor the later Church can be shown to have authorized?

Now if such tampering with sacred things is to be allowed, where are we to stop? If an artificial meaning, a meaning which the words do not plainly and properly convey, is to be received at all, of what value are written documents?

Supposing that there were any engagement between man and man, which was plain and unequivocal in its terms, and nothing was said by either party to imply that it was to be understood otherwise, but on the contrary an express declaration of perfect “assent and consent” to it as it stood, and one of the parties afterwards, when called upon to fulfil it, chose to say, “I refuse to abide by that engagement as it stands. I did not understand it in its plain sense, but I had a reservation—I take it conditionally; and though it is said that certain consequences are to follow upon a particular event, I meant only in case that event were accompanied or preceded by another peculiar circumstance, though not mentioned in our written engagement:” what would be thought of the good faith or honesty of that man? If these things are scouted in matters of private life, shall they be allowed in those which concern salvation? Can that, which would be treated as dishonest in the things of this world, be otherwise in things eternal?

Surely, my Lords, that never can be allowed; if it were,

the effect would be most dreadful ; if we are to have a sort of legalized conventional dishonesty in sacred matters, in religious professions, there can be no security in oaths, or pledges, or promises, or subscriptions, or any other means, and every heresy that ever infested the Church may be again introduced amongst us.

Now let us look at the Second Book of Edward VI., which came out in the year 1552. And here again we find not one shadow of difference in the doctrine which it expresses in its Baptismal Services ; there is the same Prayer at the commencement, for spiritual regeneration and remission of sin in Baptism, and so far from drawing back from the former doctrine, we have added now for the first time the Address immediately after the Administration :—

“ *Seeing now, dearly beloved brethren, that these children be regenerate, and grafted into the body of Christ’s congregation, let us give thanks unto God for these benefits,*” &c.

And we have also the further addition of the Thanksgiving for regeneration, as then conferred :—

“ We yield thee hearty thanks, most merciful Father, that it hath pleased thee to regenerate this infant with thy Holy Spirit, to receive him for thine own child by adoption, and to incorporate him into thy holy congregation.”

And in the Office for Private Baptism we have this remarkable addition of the words “ *by Baptism,*” in the certificate made by the Minister ; for whereas in the former book it was,—

“ Which, being born in original sin and in the wrath of God, is now, by *the laver of regeneration*, received into the number of the children of God, and heirs of everlasting life ;”

It was, in this second book, made to be—

“ Is now, by the laver of regeneration *in Baptism*, received,” &c.

So that it seems perfectly clear, by the alterations and additions in these Services made in the year 1552, that the intention was to mark still more clearly and positively the faith of the Church on this important subject, and to attribute expressly and exclusively to Baptism the conveyance of the blessings desired.

Before I pass on from this period, I must direct your Lordships’ attention to a fact, which perhaps ought to have been mentioned before, but which will not be altogether out of place here. The Articles of the year 1552, as originally prepared, were drawn up, as has generally been understood, very much on the model of the Augsburg Confession; now, in Mr. Jenkyns’s edition of Cranmer’s Works, there is a curious paper given in the Appendix (vol. iv., page 273), which shows what care was taken to make the Articles of our Church far more explicit, and more full, upon the doctrine of the Sacraments, than the Augsburg Confession.

The paper to which I refer appears to have been Cranmer’s original scheme for a general standard of doctrine, and it shows the additions which Cranmer made to the language of the Augsburg Confession, such as declaring the Sacraments to be—

“ Efficacia signa gratiæ per quæ Deus invisibiliter operatur in nobis,”

And that they are not merely, as stated in the Augsburg Confession,—

“ Ad excitandam et confirmandam fidem,”

But that

“ *Per ea excitatur et confirmatur fides.*”

And in the Article on Baptism, it is remarkable what

pains are taken to show Baptism to be the instrument by which infants as well as adults obtain remission of sin, grace, and sanctification, which the Augsburg Confession had alleged not at all, or very imperfectly. I shall not trouble your Lordships by dwelling on this paper at greater length, but it furnishes additional evidence of the adherence to primitive doctrine, on the Sacrament of Baptism, in the original moulding and working out of the Articles of 1552.

And thus, my Lords, we have seen the changes that took place in the Articles and Formularies of our Church, prior to and during the year 1552, when we have the Articles almost in their present form, and the Prayer Book as authorized ultimately by Edward VI. The doctrine of Baptism we have seen preserved unimpaired; for as the Articles of 1552 correspond on the subject of the Sacraments generally, and on Baptism particularly, with those of 1562, which I have shown to be declaratory of the doctrine now disputed, it is unnecessary for me to examine them more minutely; and the Prayer Books, so far from taking a lower view, appear to have been altered for the very purpose of guarding against any such errors as those of Mr. Gorham.

And so matters went on without alteration to the time of the Hampton Court Conference. But nothing material occurred then; no alteration was made upon the subject of Baptism; but after that Conference, there was added that portion of the Catechism, which explains, more fully than had been done in any previous form for the instruction of children, except Cranmer's Catechism, which was very long, the doctrine of the Sacraments of Baptism and the Lord's Supper; and we have already seen how this declares the Catholic truth,—

“ That being by nature born in sin and the children of wrath, we are by Baptism, the new birth unto righteousness, made the children of grace.”

This brings us down to the Savoy Conference, into the consideration of which my learned friend Dr. Addams has gone very fully, and therefore it is not so necessary for me to dwell very long upon it. Now the warrant under which it was held authorized the commissioners, as your Lordships are aware, to examine the Prayer Book, and to revise it according to the ancient Liturgies ; and the history of what took place forms altogether one of the most remarkable proofs, of what was really intended by those who had the final settlement of our Formularies, and of the meaning which ought to be put upon the statements of doctrine which our Services contain.

Among the exceptions taken by the Nonconformists, we find one to the Second Prayer before Baptism, that the child “ may receive remission of sins by spiritual regeneration,” which is this :—

“ This expression seeming inconvenient, we desire it may be changed into this, ‘ May be regenerated and receive the remission of sins.’ ”

And what is the answer of the Commissioners ?—

“ ‘ Receive remission of sins by spiritual regeneration.’ Most proper, for Baptism is our spiritual regeneration, (St. John, iii.) ‘ Unless a man be born again of water and the Spirit,’ &c. And by this is received remission of sins, (Acts ii. 3 :) ‘ Repent and be baptized every one of you, for the remission of sins.’ So the Creed : ‘ One baptism for the remission of sins.’ ”

So again to the Thanksgiving after Baptism—

“ That it hath pleased God to regenerate this infant by his Holy Spirit,”

It is objected,—

“ We cannot in faith say, that every child that is baptized is regenerated by God’s Holy Spirit ; at least it is a disputable point, and therefore we desire it may be otherwise expressed.”

The Commissioners answer,—

“Seeing that God’s Sacraments have their effects, where the receiver does not ‘ponere obicem,’ put any bar against them (which children cannot do); we may say in faith *of every child that is baptized, that it is regenerated by God’s Holy Spirit*; and the denial of it tends to ana-baptism, and the contempt of this holy sacrament, as nothing worthy, nor material whether it be administered to children or no. Concerning the Cross, we refer to our answer to the same in general.”

Again, to the answer in the Catechism,—

“My Baptism, wherein I was made a Member of Christ, the Child of God, and an Inheritor of the Kingdom of Heaven,”

The objectors say,—

“We conceive it might be more safely expressed thus: ‘Wherein I was visibly admitted into the number of the Members of Christ, the Children of God, and the heirs, rather than inheritors, of the Kingdom of Heaven,’”

But the answer is,—

“We conceive this expression as safe as that which they desire, and more fully expressing the efficacy of the sacrament according to St. Paul, the 26 and 27 Gal. iii., where St. Paul proves them all to be children of God, because they were baptized, and in their baptism had put on Christ: ‘if children, then heirs,’ or, which is all one, ‘inheritors,’ Rom. viii. 17.”

So again to the Prayer in the Confirmation Service,—

“Who hast vouchsafed to regenerate these thy servants by water and the Holy Ghost, and hast given unto them the forgiveness of all their sins,”

It is objected,—

“This supposeth that all the children who are brought to be confirmed have the Spirit of Christ, and the forgiveness of all their sins; whereas a great number of children at that age, having committed many sins since their baptism, do show no evidence of serious repentance, or

of any special saving grace ; and therefore this confirmation (if administered to such) would be a perilous and gross abuse."

But the Commissioners answer,—

"‘This supposeth that all children,’ &c. It supposeth, *and that truly*, that all children were at their baptism regenerated by water and the Holy Ghost, and had given unto them the forgiveness of all their sins ; and it is charitably presumed that, notwithstanding the frailties and slips of their childhood, they have not totally lost what was in baptism conferred upon them ; and therefore adds, ‘Strengthen them, we beseech thee, O Lord, with the Holy Ghost, the Comforter, and daily increase in them thy manifold gifts of grace,’ &c. None that lives in open sin ought to be confirmed."

I need not cite more passages from this remarkable history, to prove what was the doctrine held by these Commissioners, and what they intended to have understood by the Formularies which they revised.

With reference to the last revision of the Prayer Book, I wish to call your Lordships' attention, in connection with what took place then, to the authority given by the Crown to Convocation, to revise without any hindrance, so as to render the Prayer Book as complete as possible for the guidance and instruction of the Church. There is in Bishop Kennett's 'Register,' at p. 455, and it is cited by Archdeacon Wilberforce in his recent work on 'Baptism,' a minute or order of Council, dated May 31st, 1661, in these words:—

"It was ordered by his Majesty in Council that Mr. Attorney-General should forthwith prepare a Commission to authorize the Convocation to consult of matters relating to the settlement of the Church, and *not to insert therein*"—

(To this I beg to call your Lordships' particular attention)—

"*and not to insert therein the clause or proviso in the words following, nor any other clause or proviso to the like effect: 'Provided always that the said Canons, orders, ordinances, constitutions, matters, and things, or any of them, so to be considered, consulted, and agreed upon as aforesaid, be not contrary or repugnant to the Liturgy established,*

or the Rubric in it, or the nine-and-thirty Articles, or any doctrine, order, or ceremonies of the Church of England already established."

The Articles, therefore, were to be no hindrance to any alterations which might be thought advisable, and we may consequently, with greater reason, regard the Formularies as the true exposition of the Church's doctrine, and the proper commentary upon the Articles ; for, while the Articles were left unaltered, the Prayer Book was revised and settled with great care, in the manner which is shown by the Act of Uniformity. Well then, if that is so, if the Prayer Book was so completed, and was thus made to express the doctrine entertained by those who then represented the whole Church of England, and was then finally ratified in its amended form by the Act of the Legislature, whatever may have been the opinions entertained by the Reformers, supposing that there had been any difference amongst them upon this great question, they are less than ever to the purpose, when the present state of things is considered ; for the Formularies now date afresh from their last revision and ratification ; they acquire a new force, and have a new impulse given to them ; they take effect from this period, and are binding upon us now by the authority which was then given to them ; and certainly, when we refer to the Savoy Conference, and observe what happened in it, we have the most extraordinary and complete "*contemporanea expositio*" that can be found for any public Act or Document whatever. Whether you look at the Formularies alone, or whether you resort to extraneous evidence for their meaning, you are forced to the conclusion that Baptism conveys to all Infants Regeneration and Remission of Sin, that they are thereby sanctified and made the Children of God ; and all this so plainly taught that "he may run that readeth it."

Now that brings us down to the present period ; but it has been said, that many of those who lived after the

Hampton Court Conference, and later than the time of James I., were possessed with high Calvinistic notions upon many points. But I have already considered this objection with reference to those who were contemporary with Cranmer; and the same observations will apply to those who favoured Calvinism at a later period; I will only say further, that to what extent those persons entertained Calvinistic opinions we can hardly tell, and their opinions, whatever they were, are entirely irrelevant. One thing, however, is clear with respect to most of them, and those the men of greatest weight—that they did not deem the doctrine of Regeneration in Baptism inconsistent with their notions about Predestination and Election, any more than St. Augustine, and many others of earlier date, who favoured such opinions; and although the Grace of Perseverance might not be given, that Baptism operated for remission of sin, there seems to have been no doubt. Now the compatibility of such doctrines is shown with very great plainness by one, who, at all events, will not be accused of Romish Doctrine, and that is Bradford, who has often been called a martyr, but who was put to death in Queen Mary's reign, about the same time with Bishop Hooper.

Now Bradford in his works, as published by the Parker Society, has some passages which prove that he fully held Predestination and Election, and others which prove as fully that he held Baptismal Regeneration; and I am the more anxious to show this, because we have lately been told by something like authority, by some high in office in the Church, that because the Reformers held the peculiar doctrines of Calvin, it was utterly impossible, in their view, that all the baptized should be spiritually regenerate. Now let us hear one of them, in order that we may see how ignorantly and absurdly such assertions are made. Now, with respect to Election, Bradford says this:—

“That God the Eternal ‘Father of mercies,’ before the beginning of the world, hath of His own mercies and good will, and ‘to the praise of His grace and glory,’ *elected in Christ some and not all the posterities of Adam*, whom He hath predestinate unto eternal life, and calleth them in His time, ‘justifieth them and glorifieth them,’ so that they shall never perish, or err to damnation finally; that this proposition is true, and according to God’s plain and manifest word, by the help of His Holy Spirit, I trust so evidently to demonstrate, that no man of God shall be able by the word of God even to impugn it, much less to confute it.”—*Ed. Parker Society*, p. 311.

“That Election is of some of Adam’s posterity and not of all, we may plainly see, if we consider that he (S. Paul) maketh the true demonstration of it, ‘believing,’ ‘hoping,’ and having ‘the earnest’ of the Spirit. ‘In whom you hoped,’ saith he, ‘after you heard,’ &c.; ‘in whom you, believing, were sealed up,’ &c. Again, in attributing to the elect forgiveness of sins, holiness, blameless living, being in Christ, &c. ‘That we should be holy,’ saith he, &c.; ‘we have received forgiveness of sins,’ &c.; ‘who seeth not that these are not common unto all men?’ ‘All men have not faith,’ saith Paul elsewhere. None ‘believed,’ saith Luke, but ‘such as were ordained to eternal life.’ None ‘believe’ but such as are ‘born of God.’ None believeth truly but such as have ‘good hearts,’ and keep good seed, to bring forth fruits by patience.”

“So that it is plain (faith being a demonstration of God’s election to them that be of years of discretion) *that all men are not elect, because all men believe not*; for ‘he that believeth in the Lord shall be as the Mount Zion;’ that is, he shall ‘never be removed;’ for if he be removed, that is, finally perish, surely he never truly believed.”

Now this language indicates tolerably strong Predestinarianism; let us hear then what the writer says of Regeneration:—

“Yet but, saith one, ‘What free will hath man that is regenerate?’ This I will briefly show. . . .

“Justification in Scripture is taken for the forgiveness of our sins. This is only God’s work, and we nothing but patients, and not agents. After this work, in respect of us and our sense, cometh Regeneration, which is altogether God’s work also. . . . Now to the question. *A man regenerate (which we ought to believe of ourselves, I mean that we are so by our Baptism, the Sacrament thereof requiring no less faith)*, a man, I say, regenerate, that is, ‘born of God,’ hath the Spirit of God. And as a man born of flesh and blood hath the

spirit thereof, whereby he can stir up himself to do more and more the deeds of the flesh, so the other can, by the Spirit of God in him, stir up in himself the gifts and graces of God, to glorify God accordingly."—P. 218.

Again:—

"A man that is regenerate and born of God (*the which thing that every one of us be our Baptism, the Sacrament of Regeneration, doth require under pain of damnation; and therefore let every one of us, with the Virgin Mary, say, 'Be it unto me according to thy word,' according to the Sacrament of Baptism, wherein thou hast declared our adoption; and let us lament the doubting hereof in us, striving against it as we shall be made able in the Lord*); a man, I say, regenerate, consisteth of two men, as a man may say, viz., of the 'old man' and 'new man'—one man, therefore, which is regenerate, well may be called always just and always sinful; just in respect of God's seed, sinful in respect of Satan's seed."—P. 297.

Now this may serve as a specimen of the opinions of the men of that day, and afterwards; that they adopted the doctrine of Predestination, but that with it they adopted also the doctrine of Regeneration by Baptism: they did not consider Regeneration by Baptism to be incompatible with Predestination; and in the work which was published by Dr. Bayford (I refer to it as a work, not as a speech, because the speech has not been made here, and I do not consider myself justified in referring to it as an argument urged before your Lordships; and indeed, if I were obliged to consider it as a speech, it would be necessary for me to go into a great length of detail, which would be a mere waste of time); but I say in Dr. Bayford's work, the persons who are cited as holding those doctrines, even Peter Martyr himself, seem to have been very inconsistent upon this subject. In many parts of their works they expressed satisfactorily Catholic doctrine; while in other parts they have adopted doctrines quite as bad as Zuinglius himself. Some of those my friend Mr. Turner read the other day; some were so bad that he actually could not read them. I

believe these were taken from Bullinger. There is an inconsistency running through most of them; we find in page 107 of Dr. Bayford's book a passage from Peter Martyr:—

“Nos autem cum in Sacramenti hujus mentionem inciderimus, hanc ejus definitionem operæ pretium duximus proponere; ut sit Sacramentum a Deo institutum, ex aquâ et verbo constans, quo regeneramur, et Christo inserimur, ad remissionem peccatorum, et eternam salutem.”

That is surely Catholic doctrine. So again at page 153 there is a passage from Ridley,—

“Although God of his mere mercy and goodness, without all men's deserts or merits, only for Christ's sake, hath washed and purged man from sin; yet he useth a mean by the which he cleanseth men from sin, which is by Baptism, in water, by the word of God; and so in Baptism are our sins taken away, and we from sins purged, cleansed, and regenerated in a new man, to live an holy life, according to the spirit and will of God. It is not the water that washes us from our sins, but Christ by his word and his Spirit, given to us in Baptism, that washeth away our sins, that we have of Adam by carnal nature.”

And so, many others might be adduced in proof of the same thing, the inconsistency of many of these writers, and the ease with which passages conformable to the Catholic faith may be extracted from them, as well as passages directly contrary. But of this there can be no question, that many of them, in admitting Calvinistic doctrines, admitted also the true doctrine of the Sacrament of Baptism, and it is perfectly absurd to take assertions in support of the one as evidence of their denial of the other. But, as I have already stated, their opinions and their inconsistencies are nothing to the purpose. We have the true doctrine clearly developed and plainly set forth in the English Church, and if so, there is an end of the question; we have

no right to look further, and we should be violating our duty to the Church, and to the State also, if we allowed ourselves to be diverted from what is positively and authoritatively declared, by any private opinions whatsoever.

And now, my Lords, I believe I have brought the whole matter to this point: I have ascertained what are the sources from which we are to gather the doctrine of the Church of England; I have put, as I hope, satisfactorily, both the Articles and the Prayer Book upon the same footing; I have shown that they are both of equal authority, both to be regarded as declarations of the doctrine of the English Church; and having done that, I have looked at the Articles themselves, and have collected from the plain, strict, literal meaning of those Articles, and according to the ordinary rules of interpretation, that they do clearly and positively teach the doctrine of Regeneration in Baptism, and that Infants receive, in and by that Sacrament, this and all other benefits which are promised to worthy receivers. I have then shown this doctrine more at length by the Services and by the Catechism of our Church; these Formularies I have interpreted by the simplest rules of the most literal construction, for I refuse to adopt any other; and having collected this doctrine alike from our Articles and from our Liturgies, I have established it by that authority which the Church of England has always recognised, the doctrine of the early Church; I have shown what was the doctrine of the early Church; I have proved it to be the same precisely as that which is professed by the Church of England: I have shown it from ancient Fathers, from Canons, from Liturgies, and those not of one country, or of one age, but of all Christendom in all ages.

I have therefore put the doctrine beyond all doubt, as primitive and as Catholic; I have shown it existing in the Anglo-Saxon Church;—and thence have traced it through

the different periods of the English Church, down to the era of the Reformation;—I have examined the Formularies which were then put forth, the Services which existed before, and those which were established afterwards, and found the same doctrine maintained throughout, in some more fully than in others, but clearly and positively in all. I have seen it maintained by Cranmer, and preserved untainted by any of the heresies of that day; and finally I have followed it through the Articles of 1552 to those which are now adopted, and found it at last, in its original purity, in our present Liturgy, having been carefully guarded at the last revision, and sanctioned alike by the Church and by the State; and now I challenge my learned friends to adduce any single thing which can possibly shake this argument—I defy them to say that this doctrine, in its positive sense, and without any qualification or restriction, is not the doctrine of the Church of England; and if it be, they cannot justify any departure from it, or claim to take, in any hypothetical or uncertain sense, that which the Church has positively and absolutely declared.

Now my learned friend Mr. Turner, I think, referred to some order that was made, about the year 1578, by the Upper House of Convocation, or the Bishops, for Parish Clergymen to study Bullinger's 'Decads,' and he read some passages from this work which were extremely offensive, and absolutely heretical, and he mentioned some others which he did not like to read, and which I suppose were much worse. All I need say to that is, that Bullinger's 'Decads' were never authorized by the Church; it may be that they were recommended by the Bishops; but why was this? It was probably as a help to preaching ministers, and more particularly designed for them, in order to instruct them in the mode of preparing sermons or lectures, there being very little in the theology of that day adapted to persons who had not

had the benefit of a good education, and who had not taken their degrees at the University ; and as preachers were a good deal wanted at that time, Bullinger's 'Decads' supplied a sort of model for their preaching, the book containing, no doubt, a great deal that was very good, but a great deal also that was very bad ; but it is obvious that the Bishops could never have intended to recommend all parts of the book without discrimination ; and indeed the order itself, to which my friend referred, seems to imply as much, for it directs the minister "to read and note the principal contents in his paper book, and to show his note to some preacher near adjoining," as if it was merely by way of an exercise, in which mistakes and false doctrine were to be guarded against.

The order, however, was made by the Bishops, not by the Convocation, and certainly the Bishops incurred a considerable responsibility, in thus putting into the hands of those who were training for the office of Preachers, a book which contained so very much bad matter as Bullinger's 'Decads.' Many portions of this book are in complete contradiction to the Articles of the Church of England ; and hence it follows, that it was intended to be received with much qualification,—not to be swallowed whole, but the chaff to be sifted from the wheat.

LORD CAMPBELL.—That they might read it, and refute the heretical doctrines.

MR. BADELEY.—Precisely so. It might be read as a lesson to avoid certain things ; and assuredly the Bishops who recommended this, having also been concerned in passing the Articles of 1562 or 1571, never could intend to stultify themselves, as they would have done, if they had thus recommended gentlemen to adopt many doctrines directly

contrary to those which they had very lately sanctioned in Convocation. But you will find in the history of that day many things done in the same loose manner ; I believe that somewhere in the ‘ Documentary Annals of the Church of England,’ published by Dr. Cardwell, may be seen an order for the dignitaries of the Church to provide themselves with a work of some celebrity, Fox’s ‘ Book of Martyrs ’! but surely it was never intended to authenticate Fox’s ‘ Book of Martyrs!’ We know as a fact, that there are few books, which are called historical, which are so full of falsehoods as this ; it is quite notorious, and has been well exposed by an eminent critic of the present day, who is well versed in the history of those times—Dr. Maitland has proved how completely Fox’s ‘ Book of Martyrs ’ abounds in falsehoods.

LORD CAMPBELL.—Certainly rather full of exaggerations.

MR. BADELEY.—I rather think a good deal more than “ exaggerations.” Now I will refer your Lordships to this order, as it is rather curious ; it is given in the first volume of Cardwell’s ‘ Synodalia,’ p. 115, and is this :—

“ Quivis Archiepiscopus et Episcopus habebit domi suæ sacra Biblia in amplissimo volumine uti nuperrime Londini excusa sunt.”

It is remarkable that they thus string it together in the same paragraph with the Bible itself ; and I hope my learned friend will observe, that this is done by Convocation, and therefore this book stands upon much higher authority, than what he has adduced for Bullinger’s ‘ Decads ;’ for it is actually recommended by a Canon :—

“ Et plenam illam historiam, quæ inscribitur ‘ Monumenta Martyrum,’ et alios quosdam similes libros ad religionem appositos.

Locentur autem isti libri vel in aulâ, vel in grandi cœnaculo, ut et ipsorum famulis et advenis usui esse possint.”

So that this very authentic work is thus put upon the same shelf with the Bible !

LORD CAMPBELL.—Fox’s ‘ Book of Martyrs ’ was never considered any other than a history.

MR. BADELEY.—In the same Convocation we have afterwards a similar rule for Archdeacons. The Convocation is remarkably anxious that Fox’s ‘ Book of Martyrs ’ should be engraven on the minds of all the authorities of the Church. We have had the Archbishops and Bishops, and now we come to the Archdeacons :—

“ Quivis Archidiaconus habeat domi suæ et alios libros et *nominatum* eos, *qui inscribuntur* ‘ *Monumenta Martyrum.* ’ ”

I think therefore that no very strong argument can be drawn from the fact of the Bishops having authorized Bullinger’s ‘ Decads ; ’ the Church did not—Convocation did not—it was more cautious. Bullinger’s ‘ Decads ’ was one of the most popular books of the day for supplying materials for preachers, but was never intended as a compendium of doctrine, and certainly was never meant to supersede the Articles.

I am not sure that my learned friend Dr. Addams mentioned a fact, which is very remarkable in its connexion with the final revision of the Prayer Book in the year 1662 ; the objection to the Prayer Book on this doctrine of Baptismal Regeneration, as well as on other matters, was so strong, that about two thousand ministers are stated to have resigned their benefices, rather than declare their assent to Formularies which expressed it so plainly ; they did not seek to twist the language of the Prayer Book to their own meaning, but finding

that it positively asserted doctrines from which they dissented, they had the honesty to relinquish their preferment.

LORD LANGDALE.—Dr. Addams did not omit that.

MR. BADELEY.—I notice it as a signal piece of evidence, showing the contemporaneous exposition that was put upon the Prayer Book at its final settlement, and the agreement that prevailed as to the meaning of our Formularies and our Catechism.

And now, my Lords, having thus brought the whole matter down to the last period, to the completion of the Prayer Book in its present form, and having traced into it that doctrine, which I proved it to contain in the earlier part of my argument, and which I have now shown to have been the doctrine, not only of the Primitive Church, but of the Catholic Church in all ages; it only remains for me to refer to Mr. Gorham's book, and the doctrines which it asserts, in order to show more completely, that Mr. Gorham holds opinions which are contrary to the teaching of the Church, and consequently unfit him for the institution which he claims. Now at pages 68, 69, 70, and 71, we find certain statements made, which indicate a very erroneous view upon Infant Baptism, and no little confusion of ideas. Mr. Gorham first says:—

“The Articles distinctly and with severe precision lay down the doctrine for both Sacraments, which is this; that not right administration merely, but *worthy reception* is essential to their becoming effectual signs of grace.”

And then he says, with reference to the Twenty-seventh Article, that on Baptism:—

“No distinction is made between adults and infants in this Article, though the case of the latter was expressly in the mind of its framers, as appears by the general declaration at its close.”

DR. LUSHINGTON.—You must bear in mind what the question was, when you look at the answer.

MR. BADELEY.—Certainly; the questions were:—

“Does our Church hold, and do you hold, that every infant baptized by a lawful minister, with water, in the name of the Father, and of the Son, and of the Holy Ghost, is made by God, in such Baptism, a member of Christ, the child of God, and an inheritor of the kingdom of heaven?”

“Does our Church hold, and do you hold, that such children, by the laver of Regeneration in Baptism, are received into the number of the children of God, and heirs of everlasting life? Does our Church hold, and do you hold, that all infants so baptized are born again of water and of the Holy Ghost?”

Then he chooses to consider these questions together, and to answer them together; and he treats the condition of repentance and faith as always necessary, in all cases, in Infants as well as in Adults. He says,—

“The conditions of repentance and faith are expressly required of persons to be baptized, even of Infants; who must enter into these stipulations by their representatives, and who, when they come of age, are bound to perform the covenants which their sponsors have made on their behalf.”

Now, if it is intended by this, to assert that Sponsions are necessary and essential to valid Baptism, that is assuredly not true;—it is in direct contravention of the statements in the Office for Private Baptism. That Office distinctly shows that Sponsions are not necessary; that Baptism is complete without them; that Regeneration is effected, the full grace of Baptism received, by the mere administration of the Sacrament, with Water, and the invocation of the Holy Trinity; the Prayer is distinct,—

“We yield thee hearty thanks, most merciful Father, that it hath

pleased thee to regenerate this Infant with thy Holy Spirit, to receive him for thine own Child by adoption, and to incorporate him into thy Holy Church."

And immediately afterwards, the Rubric (which is part of the law of the land) says,—

"And let them not doubt, but that the Child so baptized is lawfully *and sufficiently baptized*, and ought not to be baptized again."

Why not? Because the full benefit of Baptism was given by the simple administration of the Rite; which certainly could not have been, if Sponsors were essential; and this has always been the doctrine of the Church. Sponsors are required where they can conveniently be had, and when the Child is brought in the usual manner to the Church; but this is a matter of order, not of necessity, as appears more fully from what follows, for the Rubric goes on,—

"Yet nevertheless if the Child, who is after this sort baptized, do afterward live, *it is expedient*" (not necessary) "that it be brought into the Church, to the intent, that if the Minister of the same parish did himself baptize the Child, the congregation may be certified of the true form of Baptism by him privately before used."

And then, if the Child was baptized by any other person, these simple questions are put: "With what matter was this Child baptized? with what words was this Child baptized?" And the reason given for them is conclusive of the understanding of the Church upon this subject:—

"Because some things essential to this Sacrament may happen to be omitted, through fear or haste, in such times of extremity."

And then, as soon as it is ascertained that the proper matter and the proper words were used, this Declaration is made,—

"I certify you, that in this case *all is well done, and according to*

due order, concerning the baptizing of this Child; who being born in original sin and in the wrath of God, is now by the laver of Regeneration in Baptism”—

(These very words, “in Baptism,” having, as I have already stated, been added at the last revision, to express more clearly the meaning of the Church)—

“Received into the number of the Children of God, and heirs of everlasting life.”

THE BISHOP OF LONDON.—Allow me to ask; you deny that the express stipulation on the part of Sponsors is necessary?

MR. BADELEY.—I do.

THE BISHOP OF LONDON.—Do you also deny that a stipulation is *implied* when a child is privately baptized?

MR. BADELEY.—A *stipulation*?

THE BISHOP OF LONDON.—A promise, I mean.

MR. BADELEY.—The Child, of course, when it comes to years of discretion, having been made a Christian in his infancy, will be bound to fulfil the duties of a Christian.

THE BISHOP OF LONDON.—Do you deny, that in receiving the Baptism, the Child is supposed to undertake those duties—that there is a promise *implied* in the very fact of the Child receiving Baptism? I am not saying whether it is essential to the validity of Baptism; but whether you suppose, when a Child is privately baptized, that there is no implied promise that he shall have faith and repentance, when he comes of age to be capable of them?

MR. BADELEY.—I admit that in one point of view Baptism is a Covenant; but what I say is this: the Sponsions, or promises, which are ordinarily made by the Sponsors, are not “*ex necessitate*,” the Baptism being equally complete without them; whereas Mr. Gorham seems to treat them as necessary, in the passage which I read from page 70. But it is evident that the Church regards any express stipulations on behalf of the Infant as immaterial, and that Regeneration takes place by the bare administration of the Rite. That is clearly shown by what I have just read from the Office of Private Baptism; and therefore, if Mr. Gorham means, that Baptism is not rightly received in all respects without any express stipulations, his meaning is contrary to the declarations of the Church of England. But his language at page 71 is more objectionable; for he says, that when the promises are made by the sureties, it is “*always with an implied conditional reservation, if these promises be not fulfilled, that the blessing is not conferred.*” Now I say that the Church most distinctly declares, that in the case of *all infants* the blessing is given. There is no conditional reservation whatever; the child may, by sin in after life, forfeit the grace which he receives; but the Church has ruled that *he does receive it*; that he is, *in and by Baptism*, regenerate, “made a member of Christ, the Child of God, and an Inheritor of the Kingdom of Heaven.” That these blessings are not suspended, nor conferred in some cases and withheld in others; they are not hypothetical, as Mr. Gorham asserts, but freely and absolutely given to every Infant who is baptized; the Child of course may fall away; there is no final assurance, nothing of that sort expressed or implied; but most unquestionably, unless the Articles and Formularies are to be taken in a sense which their words distinctly negative, every child, who is baptized in the proper form, is at once regenerate; there is no postponement

of this—no waiting, as it were, to see whether, when he grows up, he will act wrongly or rightly, but he receives immediately the remission of original sin, and grace to enable him to work out his salvation; he is then made “God’s Child by adoption and grace;” and if Mr. Gorham asserts, as he seems to do, that all this is hypothetical only, or conditional, or prospective, and not positive, absolute, and immediate, then I say, that he asserts what is not the doctrine of the Church of England: for the Church, as we have already seen, has plainly ruled the contrary.

But what says he afterwards, in page 71?—

“In the same strain of *charitable hypothesis*, it is affirmed that Infants ‘so baptized,’ namely, not only according to the institution of Christ, but with the stipulation (the answer) of a good Conscience towards God, are born again of water and of the Holy Ghost: it being impossible that such dispositions and fruits should exist, except where the Holy Ghost has imparted a new nature, which he may do *before* Baptism, *in* Baptism, or *after* Baptism, as he listeth.”

But who pretends to set bounds to the power of the Almighty? That is not the question. The Almighty, we know, our Lord himself, has ordained certain Sacraments, certain means and instruments, “*efficacia signa*,” by which, “*per quæ, tanquam per instrumenta*,” certain benefits are to be conferred. We are not at liberty to say, if those are the means which God himself has appointed, what He *can do*, or *may do*, independently of them. I consider such assumptions most presumptuous: whatever is written in Holy Scripture, and whatever is handed down to us by the teaching of the Church, *that* we are bound to receive with humility; some things may be hard to receive, they may be meant as a trial of our faith, but our faith is bound to admit them: we are not to ask questions, “How can these things be?” We are not, by the false and hypocritical pretence, of asserting the power or the mercy of the Almighty, to

qualify his own express declarations, or to curtail or limit the effect of his own positive institutions. Whoever does so is, in my opinion, guilty of very gross presumption ; he is assuming to use one of the attributes of the Almighty, against what we know to be the revelation of his will. We do not pretend to limit the power of the Almighty ; God forbid that we should ! but we say this, He has pointed out a certain way of salvation, and we know of no other. He has ordained certain Rites, as means by which we are to be put into this way, and to be carried on in it ; he has told us that by these, as instruments, we are to receive that grace which he has promised, and which is necessary for our assistance. What right then have we to say, that He may do as much for us without these Rites, or convey his grace by other means ? What right have we to suppose, that He will confer his benefits in any other manner, than the one which He has appointed ? We are guilty of tampering with Sacred Writ, of contemning the authority of the Church, and of perilling our own consciences, and perhaps our salvation, if we venture to depart from this rule, or from the rule of his Church, and to set up our private opinions upon any matter of this sort. The question is, what has Scripture revealed, and what has the Church received ? And by these we must be bound ; we are not to assert the power of the Almighty, in order to counteract his own institutions ; and therefore I say, that the answers given by Mr. Gorham are unsound, because they expressly make that conditional and hypothetical, which Scripture and the Church have declared to be absolute and positive. They assign to other means, and to other ways, those graces and those benefits which our Lord has annexed, and his Church has confined, to certain outward instruments. They disconnect from the Sacrament itself the grace which that Sacrament is instituted to convey. They make that uncertain

and contingent, which the Church asserts to be certain and actual. The Church says, that the child, when baptized, dying before it commits actual sin, is undoubtedly saved ; that although before Baptism it was a child of wrath, by the administration of that Sacrament it becomes regenerate, and a child of grace. Not so Mr. Gorham ; he says that all this is hypothetical—that it is contingent—that if, in after life, the promises are not fulfilled, the blessing is not conferred at all. What becomes then of the child in the mean time ? Has it any grace, or has it none ? And if it has none, then it never has the means of salvation within its reach ; it never receives any benefit whatever ; and the Sacrament is then a bare sign, a mere “ inane signum,” which is just what our Articles say that it is not. Now, at page 83, in answer to Question 15, Mr. Gorham says :—

“ Our Church holds, and I hold, that no spiritual Grace is conveyed in Baptism except to *worthy recipients* ; and as *Infants are by nature unworthy recipients* ”—(The Church says they are worthy, and ought to be baptized)—“ being born in sin and children of wrath,”—(The very reason which the Church gives for bringing them to Baptism—the very ground on which the Baptism is required to be administered)—“ *they cannot receive any benefit from Baptism, except there shall have been a prevenient Act of Grace to make them worthy.* Baptism is the sign or seal, either of the Grace already given, or of the repentance and faith which are stipulated, and must be hereafter exercised.”

Now, that I maintain to be utterly unsound and unchristian doctrine ; it is perfectly clear, that it is not the doctrine of the Church of England. Nothing, as I have already shown your Lordships, has ever been said in the Church of England, or in any part of the Christian world, as to the necessity of “ prevenient Grace,” for the due reception by Infants of the benefits of Baptism. It is a novelty, alike unscriptural and uncatholic. Scripture nowhere shows it ; the Church knows nothing about it ; and all the declarations of the Church of England, as I have proved before, are

directly and absolutely inconsistent with it. But not only does Mr. Gorham assert, that without this “prevenient act of grace” Infants are unworthy recipients, when the Church says that they are worthy without it, and that until they are baptized they are actually “children of wrath,” but he goes on to state, that Baptism is the sign or seal, “either of the grace *already given*, or of the repentance and faith which are stipulated, and must be hereafter exercised.” I should like to know how any person can reconcile this with the doctrine of the Church. We are told in the Articles, that Baptism is not merely a sign or seal, but that it is something more—that it is “*efficax signum*,” an effectual sign, and that it is not merely such an effectual sign of Regeneration, but that by it, as by an instrument, adoption, and grace, and remission of sin are conveyed. But Mr. Gorham says it is a sign or seal of grace *already given*; but how or when it was given before, we do not know, and Mr. Gorham has not informed us. The Church says, when the Infant is brought to Baptism, that it is in a state of alienation; that it is a Child of wrath. But how can this be, if grace has been “already given”? The Church says, that the child is brought to Baptism, *in order that it may receive grace*, that it may be put out of this state of alienation; and that by Baptism this change is actually effected; that it is not a sign of anything past, but an instrument of present benefit; that the child had nothing before, but receives the full blessing then. But, says Mr. Gorham,—

“It is the sign or seal, *either* of the grace already given, *or* of the repentance and faith which are stipulated and must be hereafter exercised.”

Now it is not very easy to discover any meaning in this latter alternative—“a seal of repentance and faith, afterwards to be exercised” seems almost nonsense, and if

Baptism is only a *sign* of them, I would ask what becomes of it *as a Sacrament*? Or, if the grace of the Sacrament is given, by reason of some future good qualities which the child is ultimately to possess, this savours strongly of the Pelagian heresy, as I have already urged. In any point of view, therefore, Mr. Gorham's doctrine is clearly heterodox, and utterly inconsistent with the teaching of the English Church, which admits each infant to Baptism, not on account of any previous grace, or of any future and foreseen virtues, but simply on account of its own helpless and forlorn condition, its freedom from actual sin, and the command of our Lord, as interpreted and acted upon by His Church.

Then, at page 85, in answer to the question,—

“ Does the Church hold, and do you hold, that infants so baptized are regenerated, independently of the stipulations made by their representatives, or by any others for them?”

Mr. Gorham says :—

“ If such infants die before they commit actual sin, the Church holds, and I hold, that they are undoubtedly saved, and *therefore they must have been regenerated by an act of grace prevenient to their Baptism, in order to make them worthy recipients of that Sacrament.*”

That is his view ; but it is evident that it is not the view of the Church. The Church does not ascribe the benefits or efficacy of Baptism to any prevenient grace, but ascribes all the grace and benefits which the infant receives to Baptism itself, as the means of conveyance, by our Lord's appointment ; and this assertion of Mr. Gorham's I have already shown to be at variance with the Rubric, which declares that,—

“ Infants who are baptized, and die before they commit actual sin, are undoubtedly saved.”

The Rubric manifestly refers the salvation of the child to its Baptism, while Mr. Gorham attributes it to an act of prevenient grace, of which he makes Baptism merely a piece of evidence.

Again, at page 86, in answer to the question—

“What do you mean by these words: ‘The faith which that sign certifies?’”

He says:—

“I mean that Baptism is a certification, pledge, and public manifestation, by the individual who is baptized, that he believes with all his heart in the Divine nature, mission, and atonement of the Son of God.”

And then, to the question:—

“Of what then is Baptism a sign?”

He answers:—

“It is a sign that the person baptized has professed that belief.”

That is very much Zuinglian or Calvinistic, according to the worst sense of those terms; it is looking at Baptism as a mere sign of something that has already passed,—a complete negation of its sacramental character.

Then he is asked,—

“Is it nothing more?”

And what is his answer?—

“It *may* be, and *very often* is, *nothing* more.”

Now this is directly in the teeth of what our Articles (to say nothing of our Formularies) expressly state; for the Article says:—

“Baptismus non est tantum professionis signum, ac discriminis nota, quâ Christiani a non Christianis discernantur, sed etiam est signum regenerationis, per quod, tanquam per instrumentum, recte Baptismum suscipientes Ecclesiæ inseruntur; promissiones de remissione pecca-

torum, atque adoptione nostrâ in filios Dei per Spiritum Sanctum, visibiliter obsignantur, fides confirmatur, et, vi divinæ invocationis, gratiâ augetur.”

Now it is impossible to reconcile this Article with Mr. Gorham's view. The Article speaks generally of the regular and constant effects of Baptism in all worthy receivers, and immediately afterwards says of Infant Baptism :—

“ Baptismus parvulorum omnino in Ecclesiâ retinendus est, ut qui cum Christi institutione optime congruat.”

Therefore infants must always be worthy receivers, and consequently, *in all cases*, quite contrary to Mr. Gorham's assertion, the Baptism must be much more than a sign, that the person baptized has professed belief in certain Christian doctrines. The Church lays it down absolutely and universally in respect of infants, that such is the effect of Baptism ; Mr. Gorham says it is not ; that in many cases Baptism has no such effect as the Article asserts that it has, or rather no effect at all.

THE VICE-CHANCELLOR KNIGHT BRUCE.—Does the twenty-third answer apply, as you understand it, to the Baptism of all persons, or to the Baptism of only a particular class of persons ?

MR. BADELEY.—I cannot read it otherwise than as general.

THE VICE-CHANCELLOR KNIGHT BRUCE.—As applying both to infants and adults ?

MR. BADELEY.—The question is :—

“ Of what then is Baptism a sign ?”

The answer given is :—

“ It is a sign that the person baptized has professed that belief.”

Then the question is :—

“According to the doctrine of the Church, is Baptism a sign of anything else?”

And Mr. Gorham answers :—

“It *may* be, and *very often is*, a sign of *nothing more*. But if it be received rightly, worthily, and by faith, it is an *effectual* sign of God’s grace bestowed, which implanted a new nature, and produced the faith both professed and possessed, and it is also a sign of God’s good will towards us, by which he strengthens and confirms our faith in him.”

In many cases, therefore, Mr. Gorham limits the effect of Baptism, treating it as a mere proof of a past profession of faith ; and even, when worthily received, he makes it only a sign of grace previously bestowed ; this therefore falls very short of what the Article asserts.

THE VICE-CHANCELLOR KNIGHT BRUCE.—Do you understand the twenty-third answer as applying to Baptism both of infants and of adults ?

MR. BADELEY.—So I read it.

LORD LANGDALE.—The first of those two questions does not apply to Infants ?

MR. BADELEY.—The examination generally has reference to Infants, rather than adults, and the answers seem to apply to all. Mr. Gorham had already spoken of Sponsors, as if they were necessary in Infant Baptism, and their faith essential to the reception of benefit by the Infant.

LORD CAMPBELL.—“It may be and very often is.” That may be with regard to *adults* who have not faith and repentance ?

MR. BADELEY.—Taking it even in that sense, I apprehend that it would be wrong. Mr. Gorham says—

"It *may* be and very often *is* a sign of *nothing more*. But if it be received rightly, worthily, and by faith, it is an effectual sign of God's Grace bestowed, which implanted a new nature, and produced the faith both professed and possessed."

Under any circumstances, it would hardly be a bare sign of the person *having done a particular thing*; a mere piece of Evidence, like an entry in a Parish Register; it would be in all cases much more than this; the Church holds it to be a Sacrament, and therefore an "*efficax signum*," producing lasting consequences, and the most serious effects, either for good or for evil, according as it is worthily or unworthily received; it is a sign, at all events, of Regeneration; it impresses a character on the receiver; he could not at any rate be baptized again, and this of itself shows the great sanctity and importance of the Sacrament; for if it were a bare empty sign, a mere evidence that a person had professed a particular belief, it might be repeated. At page 88, speaking of the Article on Baptism, Mr. Gorham says,—

"It is not said that *a new nature is implanted* in such by this 'sign,' which benefit I affirmed of the '*Grace of God*.' In fact, the new nature *must have been possessed* by those who receive Baptism rightly, and *therefore possessed before the Seal was affixed*."

Now as I read the Articles, and as I interpret the Formularies, and as I understand the ancient Church, this declaration of Mr. Gorham's is completely contrary to them all, because these plainly assert that the Grace of God is given, regeneration effected, remission of sin obtained, *in and by* the Sacrament of Baptism; before that, the Church declares most positively that they are not in the Covenant, and so completely does it consider this to be true, that it refuses Christian Burial, as I stated to your Lordships yesterday, to those who die unbaptized.

THE VICE-CHANCELLOR KNIGHT BRUCE.—Does that last sentence import that Regeneration has taken place before the Baptism?

MR. BADELEY.—I suppose it does; the “new nature” is said to be “implanted and possessed,” before Baptism is received; and there is the same thing in substance stated afterwards, namely, that the adoption to be the Child of God occurs *before* Baptism; not that it is conferred *in* Baptism, or *by* Baptism. At pages 112 and 113, Mr. Gorham says,—

“The blessing is ‘adoption to be the sons of God’—that blessing is undoubtedly to be ascribed to God, for ‘faith is not of ourselves, it is the gift of God,’ and to such as possess *faith*, ‘to them giveth *He* (Jesus Christ) power to become the Sons of God.’ But that faith, and that filial state, though clearly ‘to be ascribed to God,’ was given to the worthy recipient (for we are here all along assuming this worthiness) *before* Baptism and *not in* Baptism.”

Now, most assuredly, if the doctrine of the Church of England is true, this is false; they cannot possibly hold together; the Church says positively, that it is *by* Baptism they are made the Children of God, and heirs of immortality. It mentions no other means and no other occasion—

“In my Baptism,” (says the Catechism,) “*wherein I was made a member of Christ, the Child of God, and an inheritor of the Kingdom of Heaven.*”

Being “made a Child of God” is, in other words, the being admitted into the filial state—“the adoption to be the son of God”—and this the Church distinctly refers to Baptism alone, both in its Articles, in its Services, and in its Catechism.

THE VICE-CHANCELLOR KNIGHT BRUCE.—The expression at page 88 is “a new nature?”

MR. BADELEY.—Yes, and it is there said, that this new nature must have been possessed before Baptism, which the Church directly contradicts. Here, the same is affirmed of the adoption to be the Child of God, which the Church equally contradicts; at page 93 there is the same thing asserted—the same erroneous view. The question is,—

“In the case of those who receive Baptism worthily, is there any, and if any, what Special Grace, which God doth work invisibly in us by Baptism, as the effectual sign thereof?”

Answer—

“There is. By this sign and visible symbol of his Grace, He *sets his seal* to his promises of forgiveness of sins, and of our adoption to be his sons. He confirms the faith *which he had previously implanted in us*, and by which He made us rightly to receive this Sacrament, and He *increases the grace which He had previously given us*; he does all this by virtue of prayer, for which he has bestowed the disposition.”

But all this represents Baptism as a mere seal or confirmation of something already given; not as an active agent, itself the means of grace and remission of sin. All the real benefit, according to this, was conferred *before* Baptism, whereas the Church regards it as given *by* Baptism. Mr. Gorham completely lowers and alters the character of the Sacrament. So again, in his 39th answer, he says,—

“The grace of adoption He visibly seals by the sign which He has ordained to be its token, but He works also invisibly in us, by this external pledge, an *assurance* that he *has* adopted us.”

This passage marks more completely the view which he takes of these things. The adoption, the being made a Child of God, he attributes to something *before* Baptism; he distinctly and completely severs this benefit from the Sacrament, and makes it to be no longer one of its effects, although the Catechism teaches us, that “the outward and visible sign” is not only “a pledge” to assure us of “the inward

and spiritual grace given unto us," but also, "*a means whereby we receive the same.*" At page 123, the question is,—

"In your answer, Number 15, you say, 'The Church holds, and I hold, that no Spiritual Grace is conveyed in Baptism, except to worthy recipients; and as infants are by nature unworthy recipients, being born in sin, and the Children of wrath, they cannot receive any benefit from Baptism, except there shall have been a prevenient Act of Grace to make them worthy.' Do you there mean that a prevenient act of Grace is necessary to enable infants, being born in sin, and the Children of Wrath, to receive any benefit from Baptism?"

"Answer—I do."

Now I defy any person, fairly interpreting the Articles and Formularies, and looking at the doctrines of the Church, as they have always been taught, to reconcile them with this doctrine of Mr. Gorham.

DR. LUSHINGTON.—Now, Mr. Badeley, allow me to ask you; Mr. Gorham agrees with you, according to his answer here, as to the effect of infant Baptism when they die Infants, and with respect to *Adult* Baptism it is necessary that there should be "faith and repentance," in order to give it effect. Is not the question then narrowed as to what is the effect?—I am not speaking of how the effect is produced, but as to what is the effect of Baptism in Infants who afterwards grow up to be adults; is not that the remaining question between you, and what you are now discussing, the *means* by which the effect is produced?

MR. BADELEY.—What I say is this; in the case of Infants Mr. Gorham asserts that there is no benefit conferred in Baptism, because they are not worthy recipients, unless there has been prevenient Grace. If they die before actual sin, inasmuch as the Church declares that they are undoubtedly saved, he says, "I look at that as evidence of the Child having received prevenient Grace." He still keeps to the point of a prevenient act of Grace, as

necessary to give effect to the Sacrament, and he only treats the Sacrament as efficacious, and allows that the Child receives the promise of Salvation on its death afterwards, by reason of its having had that prevenient Grace to make it effectual.

DR. LUSHINGTON.—Then you agree as to the effect; the question is whether Grace is prevenient, or as you call it concomitant.

MR. BADELEY.—Not so. Mr. Gorham does not admit that the Child's Salvation is the effect of Baptism at all—he makes it merely the result of this prevenient grace; and I must be permitted to say, that I do not speak of grace as being merely "*concomitant*," but as *the immediate effect of Baptism, as given in and by Baptism*. But Mr. Gorham's error pervades the whole of his doctrine on this Sacrament, and applies as well to the Children who live, as to those who die. Mr. Gorham treats the Sacrament as a mere imperfect thing, a sign of something previously given, a supplement to what was possessed before—all the essential benefits are conveyed without it, it is not the channel or instrument by which they are conveyed. The Church declares Children, as such, without other qualifications, to be "worthy recipients." Mr. Gorham says that they are not worthy recipients, unless they have had "a prevenient act of grace;" and the very reason which he gives, for regarding them as unworthy, is the same which the Church assigns for bringing them to Baptism in their original helplessness, "being born in sin and Children of wrath." The Church therefore and Mr. Gorham are in direct opposition; and how is it possible, at least if a Child lives, for the parents to know, whether it has had that prevenient Act of Grace or not? If it has not, it has not in reality received *the Sacrament*, it has merely been washed with water. If again it has received the Sacrament,

it has received it either worthily or unworthily ; and if unworthily, then it has been brought to receive it to its greater damnation ; there is no escape from this dilemma, if the Articles of the Church (that “severely precise and rigidly exact standard of Doctrine,” as Mr. Gorham calls them,) hold good :—and how can this Sacrament be deemed, in such uncertainty as to its operation, “a *certain sure witness* and effectual sign of grace, and of God’s good will towards us,” as the Article declares it to be ? The Article in this respect becomes a dead letter, or rather is wholly untrue, according to Mr. Gorham’s teaching ; and this notion of “prevenient Grace” goes through the whole of his doctrine ; if the Child dies, it is only saved by reason of prevenient grace, as the real efficient means ; if it lives, its condition is uncertain, the benefit of the Sacrament is suspended, it has probably not been received at all ; and the Sacrament has been a mere empty sign, a sham, or, if any thing, a mere evidence or proof of a particular fact, of a profession of faith having been made by the party ; and so this solemn ordinance of our Lord is degraded, and rendered of none effect. But whoever compares all this with what the Articles of our Church and our Prayer Book affirm, must see, how utterly impossible it is to reconcile them, and how this notion of “prevenient grace” is essentially repugnant to the doctrine of the Church of England.

It seems from Mr. Gorham’s view that the child is put in a state of adoption, and is in fact regenerate, *before* it receives the Sacrament at all ; something else has done that for it, which Baptism has always been held to do, and which nothing else than Baptism was ever declared capable of doing. But it is quite impossible to incorporate the two, and Mr. Gorham himself does not attempt to do so. He attributes every thing to prevenient grace, and makes Baptism wholly nugatory without it ; for in answer to the ques-

tion, "Do you mean that a prevenient act of grace is necessary to enable infants, being born in sin and the children of wrath, to receive *any* benefit from Baptism?" he says plainly and positively "I do;" and, according to him, the only certainty we can ever have, that any Child whatever has received this grace, or in other words, has derived any single benefit whatever from its Baptism, is its death—nay more, for if the Child lives, it may, not at all improbably, have "purchased to itself damnation," by having come unworthily. But can your Lordships recognise such a monstrous doctrine? Can you say, that this can ever hold with the teaching of the Church? Can you construe either the Articles or the Prayer Book so inconsistently? Can you suppose that the Church, when it solemnly ratified and promulgated such statements as the Articles and the Prayer Book contain, intended any meaning so utterly destructive of their plain assertions? Can you, when you have such direct evidence before you of what was the doctrine of the Primitive Church, and of what the whole Catholic Church has held in all ages, and of the professed adherence of the Church of England to primitive and Catholic doctrine, allow a construction which ignores this teaching altogether? Can you, when you find the Church positively requiring every Child to be brought to Baptism, and distinctly forbidding that its Baptism should be postponed, suppose that the Church regarded this ordinance in any other light, than as one which necessarily and certainly secured to the Child the greatest privileges and benefits? Can you possibly think that the Church ever looked at the Child's condition as doubtful; still more, that it deemed any Child, under any circumstances, an unworthy receiver? Surely, my Lords, this cannot be—you cannot possibly adopt a mode of construction here, which you would treat as absurd in every other Court. Mr. Gorham has asserted a most fatal heresy. He

has, in order to support his view of one of the Christian Sacraments, absolutely destroyed its character as a Sacrament altogether—he has assumed to make it, what the Church says it is not, a mere sign or symbol—not the *effectual* sign by which, as by an instrument, regeneration and adoption are effected. If these benefits are conveyed independently of the Sacrament, and not by it as the means or instrument, what becomes of Baptism as a Sacrament at all? It ceases at once to be what the Church has always supposed it; and all that virtue and dignity, which the Church has uniformly ascribed to it, become mere unmeaning absurdity. If, as Mr. Gorham maintains, our adoption to be the sons of God, our regeneration, and admission to Christian privileges are conferred *before* Baptism, and not *in* Baptism; Baptism cannot be the means by which we are sanctified, and brought into a state of salvation.

LORD LANGDALE.—It may be “before, in, or after Baptism;” whether it comes “before” or “at the time,” if it exists, it is effectual.

MR. BADELEY.—The Church makes Baptism itself the Instrument, and knows of no benefits before.

THE BISHOP OF LONDON.—I have not collected from any part of your argument, that without the Grace of God the Baptism is effectual; the “inward and spiritual Grace” is one of the parts of Baptism, as stated by the Catechism, and there is “the outward and visible sign.”

LORD LANGDALE.—It is by the means of that Grace the effect is given.

MR. BADELEY.—According to the doctrine of the Church,

certain peculiar benefits are declared to be conveyed by Baptism, as the means or instrument. By this, Regeneration is effected, remission of sin given, and we become at once the children of God, and inheritors of the Kingdom of Heaven. To these privileges every Infant is admitted, without any previous qualification, by Baptism alone, that being the only declared means, the only commencement of spiritual life. Mr. Gorham says, it is not the means; he says, the Child receives the benefits before; that a prevenient act of grace is necessary to make the Child a worthy receiver; and that by means of this grace, and not of Baptism, it is placed in a state of salvation. But if the Child, being born in Sin and the Child of wrath, is unworthy to receive Baptism without prevenient grace, and this prevenient grace does that which Baptism generally has been declared to do, it is difficult to see how the Child can be otherwise than unworthy of this prevenient grace, and why there must not be something before, to qualify it for what is thus made to supply the place of Baptism. There is no setting bounds to the inconsistency and absurdity of this notion. But the Articles, the Services, and the Catechism refer us exclusively to Baptism as the means ordained, and make all the benefits the effect of the ordinance. Any doctrine which swerves from this, which strips the Sacrament of its proper character, which ascribes its declared effects to other agents, and which renders those, whom the Articles and Formularies assert to be the most fit and worthy receivers, unfit and unworthy, and requires that they shall possess a qualification which the Church does not require, and which was never heard of before, is not, and cannot be, the doctrine of the Church of England.—How can Mr. Gorham get up into his pulpit, and teach such matters as he has asserted in his answers, as the doctrine taught in the Catechism, or as the meaning of the Services of the Church,

when the first reference which his Congregation make to the Prayer Book must convince them of its total inconsistency? How can he presume to put forward doctrine, so unlike that to which he has declared his "unfeigned assent and consent," and which he is bound to take in its plain, and literal, and obvious meaning?

But independently of his other errors, Mr. Gorham's theory of "Prevenient Grace," while it is utterly heterodox and untrue, has a most perilous and injurious tendency; for if the Church held what he holds, there is scarcely a parent who would like to bring his Child to Baptism.

LORD CAMPBELL.—According to Mr. Gorham's doctrine, every parent may be perfectly tranquil; he is sure, if the Child is baptized, and dies before committing actual sin, the Child must be saved.

MR. BADELEY.—If it dies?

LORD CAMPBELL.—Yes; a parent may be perfectly satisfied with the administration of the Sacrament under these circumstances;—I am not giving any opinion, that that is according to the doctrine of the Church of England, very far from it; but if the Child dies, then Salvation is declared; and if the Child lives and falls from Grace, you yourself say, in spite of Baptism, he will not be saved?

LORD LANGDALE.—The doctrine seems to be this; the Infant, being baptized, and dying before the commission of actual sin, is certainly saved. There is the washing away of the original sin. What Mr. Gorham says afterwards is, if faith and repentance follow, Baptism is then effectual for all the purposes of Baptism; that is the way it seems to be worked out; that not having committed actual sin, he is

saved by Grace given in Baptism, or by prevenient Grace, which is rather unhappily expressed, I think, and it is made effectual by faith and repentance.

MR. BADELEY.—How Mr. Gorham may pretend to support his doctrine of prevenient grace, it is impossible for me to say ; but one thing is clear, that it is not the doctrine of the Church ; if it were, how happens it, that neither the Articles nor the Formularies of the Church contain a single syllable about it ?

LORD LANGDALE.—I do not want to interfere with your argument.

MR. BADELEY.—Look then for a moment at what this doctrine does ; it contradicts the teaching of the Church, inasmuch as it denies that Children, born in sin and the children of wrath, can be worthy recipients of Baptism, unless they have this grace ; while the Church says they are :—it implies that many children have it not, and therefore that their Baptism is ineffectual, although the Church asserts of all Children, who are baptized in proper form, that they are regenerate, and receive remission of sin and spiritual adoption ;—and while it thus, when the Children live, denies these benefits altogether in many cases, and renders them hypothetical and uncertain in all, it makes their salvation, when they die, to be the result, not of their Baptism, but of this grace previously bestowed. It negatives therefore the character of Baptism, and renders it not a Sacrament, but a mere sign, and makes it at best of very little real importance ; but in one point of view, when connected with what the Articles declare of unworthy receivers of the Sacraments, a matter of perilous and awful consequences. All this and more is involved in Mr. Gorham's theory of "prevenient grace" alone ;

but compare what he says in his various answers, respecting this Sacrament generally,—that “it may be and often is nothing more than a mere sign;” a mere piece of evidence of a profession of faith—that Children, as such, cannot be worthy receivers;—that it does not confer the privilege of adoption;—that no benefit is uniformly or necessarily conveyed by it;—that its operation is hypothetical, conditional, and uncertain;—that regeneration is not wrought by it, as the appointed instrument, but attributable to other means;—that it is not the efficient cause of salvation to those baptized Infants who die;—compare, I say, all this with the Articles, the Services, the Catechism, the Rubrics, and the Homilies of the Church of England, in their plain and natural sense, and I may safely challenge any person, however desirous and however ingenious, to make them consistent or compatible.

But, my Lords, independently of all this, beyond Mr. Gorham’s contradiction of the Articles, and Services, and Catechism of our Church, there is one most serious consideration to which it is now my duty to advert; it is this: that if Mr. Gorham holds, as I contend he does, doctrine which derogates from the effect of Baptism, if he does not allow that Baptism of itself, and as Baptism, confers all those benefits which the Church has uniformly and universally attributed to it, he is contradicting, not merely the Articles of our Church, not merely our Services and our Catechism, but something more sacred even than they; he is contradicting the Nicene Creed, and annulling one of its Articles. We profess in that creed to “acknowledge one Baptism for the remission of sins,” and I should be glad to know, what is the meaning of those words, if they do not apply to such a case as this? if they are not to be understood of that remission of sins original and actual—original in infants, original and actual in adults,—*in and by Baptism*, which we have seen to be not only the doctrine of our own

Church, but of the whole Christian world in all ages? If this remission of sins is not the effect of Baptism, and of Baptism alone, what, I repeat, is the meaning of those words? and if Baptism is, as Mr. Gorham declares, nothing more in many instances than a mere sign, if its virtues or efficacy are transferred from it to a prevenient act of grace, which may or may not be vouchsafed; if they are not, and therefore if the remission of original sin is not, “annexed and tied to the visible sign,” as the Homily declares them to be, what becomes of that “one Baptism for the remission of Sins,” which we thus so solemnly and so positively “acknowledge?” How can Baptism be for the remission of original sin at all, in the case of Infants, when this operation is forestalled in many cases by some separate, independent agent, in some rendered merely hypothetical, in others absolutely denied? How can we any longer acknowledge as an absolute verity, as a fundamental article of Faith, that the one, and one only, Baptism, which the Church allows, is “for the remission of Sins,” operates for that, is effectual for that, if the doctrine which Mr. Gorham teaches is Catholic or sound? Let me refer, for a moment, on this subject, to the language of one of the greatest and most learned Prelates who have ever adorned our Church, Bishop Bull. In his ‘*Judicium Ecclesiæ Catholicæ*,’ (a treatise which you will find in the 6th volume of the works of Bishop Bull, published at Oxford in 1827,) at page 147 he says,—

“ ‘*Pergo ad articulum sequentem, εἰς ἐν Βάπτισμα μετανοίας, εἰς ἀφεσιν ἁμαρτιῶν, in unum baptismum pœnitentiæ, in remissionem peccatorum.*’ Hæc quidem in excusis Cyrilli Catechesibus lemmata duo distincta faciunt; sed in unum articulum omnino conjungenda sunt, prout in symbolo fit Constantinopolitano, hunc in modum; ‘*Ὁμολογῶ ἐν Βάπτισμα εἰς ἀφεσιν ἁμαρτιῶν*, confiteor unum baptismum in remissionem peccatorum; *ut Baptismus hic statuatur medium remissionis obtinendæ, remissio ipsa finis Baptismi.*’

And then he refers to the Heretics of the first ages, who had denied the doctrine of regeneration and remission of sin in Baptism, and whom the Church intended to denounce.

“Cæterum hunc etiam articulum in Gnosticorum hæresin directum fuisse, Ego persuasissimum habeo. Refert enim de Valentinianis Irenæus, (I. 18^a circa initium) eos Satanae præstigiis adductos fuisse, ‘*εἰς ἐξάρνησιν τοῦ Βαπτίσματος τῆς εἰς Θεὸν ἀναγεννήσεως, καὶ πώσης τῆς πίστεως ἀπόθεσιν*;’ ad Baptismi illius, per quem ad Deum regeneramur, inficiationem, totiusque adeo fidei abjectionem.’ Hanc autem impietatem non omnes eodem modo propugnarunt. Quidam enim eorum unicum Christi Baptismum per duplicis Baptismi distinctionem evacuabant; alii vero omnem prorsus, qui externo ritu perficitur, Baptismum sustulerunt.”

Then after mentioning in what manner Irenæus had dealt with these two classes of Heretics, and citing a passage in which Irenæus had stated some of the heretical tenets of the Valentinians, Bishop Bull proceeds thus:—

“Quis jam non videt, articulum symboli Hierosolymitani, ‘Credo in unum Baptismum pœnitentiæ, in remissionem peccatorum,’ antidotum fuisse adversus impia ista Gnosticorum placita appositissimam? Etenim iis verbis profitebantur Catholici, se credidisse primo, Baptismum necessarium esse, necessitate scilicet tum præcepti, tum medii, saltem ordinarii; dein Christi Baptisma unicum esse, nempe illud quod Ecclesia Catholica observat; denique unum illud Baptisma esse Baptismum pœnitentiæ et remissionis peccatorum; neque quenquam in hac vitâ ad eam *τελείωσιν* assurgere, ut remissione peccatorum non indigeat. Cæterum hunc articulum veteris symboli orientalis respexisse Irenæum omnino censeo, cum in Lib. I. Cap. 2, regulam fidei referens, in eâ notat credendum tradi, salutem æternam datum iri, non modo iis qui ab initio Domini nostri præcepta servarunt, sed et iis qui id fecerunt *ἐκ μετανοίας*, per vel post pœnitentiam, nempe universalem, quâ a statu peccati et mortis in statum justitiæ ac salutis fit migratio.”

Such is Bishop Bull’s commentary upon this Article of the Nicene Creed; and I may observe that Bishop Pearson, in his work upon the Apostles’ Creed, declares the Article of “the Forgiveness of Sins,” which occurs there, to have

the same meaning as the corresponding Article in the Nicene Creed, and to refer to Baptism :—

“ For being (says he) the Creed at first was made to be used as a confession of such as were to be baptized, declaring their faith in the Father, the Son, and the Holy Ghost, in whose name Baptism was administered, they propounded unto them the Holy Church, into which by Baptism they were to be admitted, *and the forgiveness of sins, which by the same Baptism was to be obtained*; and therefore in some Creeds it was particularly expressed, ‘ I believe one Baptism for the forgiveness of sins.’ ”

And in his note to this passage he refers to the various Creeds which contain this Article. The testimony of the Fathers is entirely and directly to the same effect :—

“ Manifestum est (says St. Cyprian) ubi et per quos remissa peccatorum dari possit, *quæ in Baptismo scilicet datur.*”

But it is unnecessary to accumulate evidence on this point. No person can possibly doubt that this was invariably the Faith of the Church, and that the remission of sins, in and by Baptism, as the appointed means, was what the Church by its Creeds uniformly professed, and intended to be universally received.

What shall we say then of Mr. Gorham’s doctrine, which separates from the sign the thing signified; which makes this, which the Church declares as one of her fundamental verities, which she asserts positively and absolutely, to be no longer truth, or at best but hypothetical and uncertain? How can that doctrine be otherwise than heretical, which thus contradicts an Article of the Creed, and robs us of one of the essential principles of our Religion? Whatever directly or indirectly tends to this fearful consequence must at once be reprobated and condemned, for if there is any thing that we are bound to preserve, to watch with religious jealousy, it must be the faith embodied in the Creeds, handed down as they have been from the earliest ages of the

Church, and sanctified to us by all the most solemn obligations.

If then, my Lords, the doctrine of Mr. Gorham is so unsound as I have now shown it to be ; if it is thus inconsistent with the Articles of our Church ; if it thus contradicts our Services and our Catechism ; if it thus ignores all Primitive and Catholic truth ; and if it thus annuls an Article of the Creed ; there surely can be no doubt, that Mr. Gorham has been rightly rejected from institution to the Vicarage of Brampford Speke. This was the corollary deduced by the learned Judge, in the Court below, from his examination of Mr. Gorham's doctrine, and from the judgment which he passed upon that doctrine ; and if that corollary was right, as I assert with confidence that it was, then the propositions with which I set out have all been most fully supported, and the Judgment of the Court of Arches must be affirmed. My learned friend Mr. Turner however asserted, that the Bishop of Exeter had no power or authority to reject Mr. Gorham under the circumstances of this case, and he rested this extraordinary assertion upon an assumption equally unfounded, that the Bishop's refusal was grounded upon his own peculiar interpretation of the Formularies, with reference to certain points which the Articles had left undecided. But I will say this, that whether Mr. Gorham's doctrine was inconsistent with the Articles, or with the Book of Common Prayer, it was not only the right, but the bounden duty, of the Bishop to refuse him institution. Let us see, then, very shortly, what is the Law respecting the power of the Bishop in such cases.

In the " *Articuli Cleri*," a statute of the ninth of Edward the Second, it is said :—

" Also it is desired that Spiritual Persons, whom our Lord the King doth present unto benefices of the Church, if the Bishop will not admit them, either for lack of learning, or for other cause reasonable, may not

be under the examination of lay persons in the cases aforesaid, as it is now attempted, contrary to the decrees canonical, but that they may sue unto a spiritual Judge for remedy, as right shall require. The answer.—Of the ability of a Parson, presented unto a benefice of the Church, the examination belongeth to a spiritual Judge; and so it hath been used heretofore, and shall be hereafter.”

Now Lord Coke’s commentary upon this is given in his Second Institute, page 631, and is as follows:—

“De Idoneitate Personæ.—It is required by law, that the person presented be ‘*idonea persona* ;’ for so be the words of the King’s writ, ‘*præsentare idoneam personam.*’ And this *idoneitas* consisteth in divers exceptions against persons presented; first, concerning the person, as bastardy, villenage, outlawry, excommunication, a layman, under age, and the like; secondly, concerning his conversation, as if he be *criminosus*, &c.; thirdly, concerning his inability to discharge his pastoral duty, as if he be unlearned, and not able to feed his flock with spiritual food, &c. And the examination of the ability and sufficiency of the person presented belongs to the Bishop, who is the Ecclesiastical Judge; and in this examination he is a judge, and not a minister, and may and ought to refuse the person presented, if he be not *idonea persona*. And if the cause of refusal be for default of learning, or that he is an heretic, schismatic, or the like, belonging to the knowledge of ecclesiastical law, there he must give notice thereof to the Patron; but if the cause be temporal, as a felon, or homicide, or other temporal crime, or if the disability grow by any Act of Parliament, or other temporal law, then no notice ought to be given, unless notice be prescribed to be given thereby.”

And the law is so laid down in Specot’s case, reported by Lord Coke in the Fifth Part of his Reports, (56, b.,) and in many other cases. There can be no doubt, therefore, that the Bishop acts judicially, and has full power to determine the fitness or unfitness of the individual presented; and as little can it be doubted, that this fitness or unfitness must depend, amongst other things, upon the consistency or inconsistency of the person’s doctrine, not only with the Articles, but also with the Formularies of the Church; and as the Bishop acts judicially, he must of course decide upon this

consistency or inconsistency with the meaning, as well of the Prayer Book, as of the Articles. It is perfectly idle to contend, that if the doctrine of the Clerk is inconsistent with the Services of the Church, or with the Catechism, which he is required to teach, that he is not disqualified for institution; and though it was said, that nothing would justify a refusal to institute, which was not a good cause of deprivation or suspension, and that a clergyman could not be deprived or suspended for any offence of doctrine which was not contrary to the Thirty-nine Articles, and charged expressly upon them, the late case of *Sanders v. Head* (reported in the third volume of Curteis's 'Reports,' page 565) is an answer to that. There the party was charged upon certain Articles, founded upon the Prayer Book, and upon the general Ecclesiastical Law, for impugning more particularly the Confirmation Service, and without reference to the Thirty-nine Articles; and these charges were sustained, and the defendant suspended; the marginal note being this:—

“Where an offence is cognizable by the general Ecclesiastical Law, Articles need not specify the particular Canon or Constitution intended to be relied on as supporting the charges contained in them.”

It follows, therefore, according to the very admission made on the other side, that institution may be lawfully refused for causes of doctrine, quite independent of the Thirty-nine Articles—and the offence in that case of *Sanders v. Head* is a proof of this; for it can scarcely be asserted, that if a Clergyman denied the doctrine of Confirmation, or showed that he could not or would not teach it, he would not be liable to suspension or deprivation; and yet, as I have already shown in the early part of my argument, the Thirty-nine Articles say nothing about Confirmation, except what would in strictness appear to be condemnatory of that

sacred rite. Well then, my Lords, if the question here rested upon the Prayer Book alone, and Mr. Gorham's inconsistency with what it contains, there would be abundant right in the Bishop to refuse him institution. But when he is shown to be, as I believe that I *have* shown him, utterly inconsistent with the Articles, as well as with the Prayer Book ; nay more, when he is shown to hold doctrines inconsistent with the faith of the whole Catholic Church, and at variance even with the Nicene Creed itself, what question can there be respecting the Bishop's right, and not only his right, but his imperative duty and obligation, to refuse institution ? sworn, as he is, by the most solemn vows made at his Consecration,—

“ With all faithful diligence to banish and drive away all erroneous and strange doctrine, contrary to God's word.”

My Lords, it must surely be unnecessary for me to dwell upon this point longer.

And now, my Lords, I believe that I have brought to a conclusion those arguments and observations, which I have thought it necessary to address to your Lordships on this most arduous and anxious case. I feel that I have performed this duty most feebly and most imperfectly ; for it is impossible for me not to feel the weakness and inadequacy of my best efforts, when contrasted with the immense importance of the case, and the momentous consequences which it involves. I feel also, my Lords, that I have laboured under another disadvantage, inasmuch as I see before me, as assessors of this Court, two Most Reverend Prelates, who are understood to have committed themselves, more or less, during the pendency of this suit, to the opposite side.

THE ARCHBISHOP OF CANTERBURY.—On what authority is that supposed, as far as I am concerned ?

MR. BADELEY.—Simply, if your Grace desires me to state it, on this ground; that your Grace has lately selected for preferment in the Church a gentleman who has taken a very strong part in this question, who is well known to have acted as a violent partisan, and who has expressed himself, in no measured terms, against the Right Reverend Prelate whom I have the honour to represent.

THE ARCHBISHOP OF CANTERBURY.—Allow me to say, I gave that preferment to that gentleman in consequence of a work he published five or six years ago, ‘A Divine Rule of Faith and Practice,’ which I considered to be a most valuable work, and I had no thought at all of his book upon Baptism, which I believe had not been published at the time; indeed I am sure it had not.

MR. BADELEY.—Then I can only apologize most humbly to your Grace for making any such suggestion; but in offering this apology, I can scarcely express my regret at having alluded to this subject, inasmuch as it has been the means of eliciting from your Grace that explanation which you have been so kind as to give, and which I am quite sure will be received most thankfully, and with the greatest satisfaction, by a very large number of the members of our Church.

THE ARCHBISHOP OF CANTERBURY.—It only shows how extremely wrong it is to draw inferences hastily.*

* I have ascertained that the Archbishop was really mistaken with respect to the facts on which he contradicted me. Mr. Goode’s work on Baptism was published early in June 1849, and he was preferred by the Archbishop to the rectory of Allhallows at the end of July, or the beginning of August, in that year. I only mention this in my own vindication, that I may not be supposed, either to have stated anything which was untrue, or to have drawn

MR. BADELEY.—I should be extremely sorry to say anything at all inconsistent with that respect which is due to the Court, and which I entertain most sincerely for the exalted persons whom I have the honour to address. I apologize, therefore, for anything which the Court may have deemed indecorous, and for any imputation which I have made erroneously. I am quite sure that your Lordships will look at this question with that seriousness, that attention, that impartiality, and that care, which are necessary to its right decision, and for which I can have no better security than your Lordships' high character and attainments; and so, my Lords, I leave it in your hands. I leave it with confidence, though not without anxiety; for it is impossible not to see the tremendous consequences which depend upon your Lordships' decision. My learned friend Mr. Turner, I believe, adverted to the effects which he thought likely to be produced upon a vast number of persons, if your Lordships affirm the judgment of the Court below. I believe that he overrated this danger. But whatever may be apprehended with respect to the persons to whom Mr. Turner alluded, I am satisfied that the consequences will be far more serious, if your Lordships in an evil hour should be led to reverse this judgment. I believe that there is a much larger number of persons, thousands of members of the Church of England, both of her Clergy and of her Laity, who will regard the reversal of this judgment by your Lordships, as a sentence of the highest tribunal in this land, declaring that the Church of England has in fact betrayed her trust; that she has ceased to hold that Catholic doctrine, that Apostolic truth,

any hasty or unfair inference. Of course I can have no design to cast the slightest doubt upon his Grace's explanation of his motives and intentions.

which is at once her profession and her boast ; they will feel, my Lords, that if she has thus deserted her faith, if she has forfeited that “ good Deposit,” she has separated herself from the Catholic Church, and lost at once her only hold upon the affection and the obedience of her children. From such disastrous consequences, however, I trust that your Lordships will protect the Church of England ; I am sure you will be anxious to do so, and I am confident that this can only be, by affirming the judgment of the Court of Arches. To your Lordships’ care I consign the question, and I most heartily pray that the Almighty God may guide you to a right decision.







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